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LEGISLATIVE HISTORY

Public Law 521--78th Congress

Chapter 626--2d Session

S. 2105

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DIGEST OF PUBLIC LAW 521

ROAD AUTHORIZATIONS. Authorizes annual appropriations, for the first three post-war years, including \$25,000,000 a year for forest highways (including \$1,500,000 for Alaska), \$12,500,000 a year for forest development roads and trails, and authorizations for highways, secondary and feeder roads (including farm-to-market roads), and Interior Department roads.

INDEX AND SUMMARY OF HISTORY ON S. 2105

February 29, 1944	Hearings: House, H. R. 2426, Pt. 1.
March 6, 1944	Hearings: Senate, S. 971 and S. 2105.
March 14, 1944	Hearings: House, H. R. 2426, Pt. 2.
April 1, 1944	Rep. Mott discussed H. R. 2426.
April 7, 1944	H. R. 2426 was introduced by Rep. Robinson and was referred to the House Committee on Roads. Print of the bill as introduced. (Similar bill).
	S. 971 was introduced by Senator McKellar and was referred to the Senate Comm. on Post Offices and Post Roads. Print of the bill as introduced. (Similar bill).
June 1, 1944	H. R. 4915 was introduced by Rep. Robinson and was referred to the House Committee on Roads. Print of the bill as introduced. (Companion bill).
June 5, 1944	House Rules Committee reported H. Res. 654 for the consideration of H. R. 4915. (Print of the Resolution not available).
	House Committee reported H. R. 4915 without amendments. House Report 1597. Print of the bill as reported.
June 19, 1944	H. R. 4915 discussed in the House. pp. 6234-8. Cong. Record, Vol. 90, Pt. 5.
August 22, 1944	Senate Committee on Post Offices and Post Roads reported S. 2105. Senate Report 1056. Committee Print of the bill and print of the bill as reported.
September 8, 1944	Amendment to S. 2105 proposed by Senator Tydings. Print of the amendment.
September 12, 1944	Numerous amendments intended to be proposed to S. 2105. Prints of the amendments.
	S. 2105 discussed in the Senate.
September 13, 1944	Senate began debate on S. 2105.
September 15, 1944	Senate debate concluded and passed Senate with amendments.
September 18, 1944	S. 2105 was referred to the House Committee on Roads. Print of the bill as referred.
November 24, 1944	House began debate on H. R. 4915.
November 28, 1944	House debate continued. pp. 8505-31. Congressional Record, Vol. 90, Pt. 6.
November 29, 1944	House debate concluded. Passed H. R. 4915 with amendments. Language of H. R. 4915 substituted for S. 2105.

November 30, 1944 S. 2105 printed with the amendment of the House of Representatives.

Senate Conferees appointed.

December 1, 1944 House Conferees appointed.

December 11, 1944 House received the Conference Report. House Report 2052.

December 12, 1944 House and Senate agreed to the Conference Report.

December 20, 1944 Approved. Public Law 521.

is chairman of the Pipestone County War Price and Rationing Board.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

[The matter referred to appears in the Appendix.]

THE LATE HONORABLE JOSEPH SEARS

Mr. HENDRICKS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HENDRICKS. Mr. Speaker, I am sorry that I was not present recently when the gentleman from Florida [Mr. PETERSON] announced the death of a prominent constituent of mine, a former Member of the House, the Honorable Joseph Sears. We called him Uncle Joe in the State of Florida, and as evidence of the esteem in which he was held in our State, for 14 years Uncle Joe Sears represented the old Fourth District of Florida, which held practically half the population of the State. Then for an additional 4 years he represented the entire State as a Representative at Large. Uncle Joe Sears might have held his seat much longer in Congress had he chosen to remain in his old home, which is in my district. In 1936, when a new district was created, and I was canvassing the district to run for Congress, I found there was a strong sentiment for Uncle Joe to come back to his home and to run from the new Fifth District. Had Uncle Joe Sears decided to come back and run from the new Fifth District, I would not have been a candidate. I want to take this opportunity to say that in the State of Florida we feel a great loss in the death of Uncle Joe Sears.

The SPEAKER pro tempore. The time of the gentleman has expired.

CORRECTION OF THE RECORD

Mr. STEFAN. Mr. Speaker, I ask unanimous consent to correct the RECORD of yesterday. On page 3405, in the colloquy between myself and the gentleman from Mississippi [Mr. RANKIN] in connection with the debate on the recess of Congress, I am quoted as saying, "I think that is more important than what is happening in Britain." What I did say and the way I want the RECORD corrected to read is, "I think that it is more important than what is happening politically in the British House of Commons."

The SPEAKER pro tempore. Without objection, the RECORD will be corrected accordingly.

There was no objection.

EXTENSION OF REMARKS

Mr. COLMER. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein a letter addressed to me by a student.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

[The matter referred to appears in the Appendix.]

HIGHWAY CONSTRUCTION BILL

Mr. MOTT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. MOTT. Mr. Speaker, before the Congress adjourns today for the Easter recess I would like to call the attention of the House to the fact that for the past several weeks the Committee on Roads of the House has been holding hearings on H. R. 2426, the \$3,000,000,000 highway construction bill. That committee, of which I have the honor to be a Member, hopes to be able to report the bill to the House shortly after the conclusion of the recess.

This bill, Mr. Speaker, is not only the largest highway bill which has ever been introduced in Congress, but it will be the first bill providing for a comprehensive post-war construction program, which the present Congress will have the opportunity of considering. It will be a bill, also, under which the entire control of this important phase of the post-war program will be retained in the Congress, and I trust in this respect it will establish a precedent which will be followed in every other phase of post-war legislation.

As a member of the Roads Committee, the Naval Affairs Committee, the Select Committee on Post-war Military Policy, and other standing and special committees upon which the responsibility to recommend post-war legislation will devolve, I have insisted and shall continue to insist that every post-war program shall be authorized by the Congress and that it shall be carried out under mandatory law of Congress, and not through orders and decisions of executive agencies of the Government.

Recently I had the pleasure of representing the Committee on Roads at the twenty-ninth annual convention of the National Association of State Highway Officials in Chicago, and of addressing the convention on this legislation. In that address I endeavored to explain why it is necessary for the Congress at this particular time to guard against encroachment upon its legislative jurisdiction by the executive department of the Government, either in respect to this highway bill or any other phase of the post-war program, and I am happy that the views I there expressed upon that question have met with the approval not only of the highway associations but of the people generally.

Mr. Speaker, I now ask unanimous consent at this point to extend my remarks in the RECORD, and to include therein the address I have referred to.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

(The matter referred to follows:)

ADDRESS BEFORE THE TWENTY-NINTH ANNUAL MEETING OF THE AMERICAN ASSOCIATION OF STATE HIGHWAY OFFICIALS, CHICAGO, ILL., DECEMBER 1-3, 1943, BY HON. JAMES W. MOTT, OF OREGON, MEMBER, HOUSE COMMITTEE ON ROADS, UNITED STATES HOUSE OF REPRESENTATIVES

It is a privilege and an honor indeed, Mr. Chairman, to have the opportunity of attending this convention. When I first went to Congress 11 years ago, one of my first assignments was to the Committee on Roads. Since that time I have attended as many conventions of the Association of State Highway Officials as I could. It has always been

a very great pleasure personally to be with you and to talk to you, and I have always gained a great deal of practical information from these conventions which, as a member of the Roads Committee, I have tried to put to good use in the consideration of highway legislation. I am particularly glad to be here at this time because I believe that following this convention your work will be of greater importance to the States you represent and to the Nation than it ever has been before.

Now, I am going to make a confession to you. I have three highway bills in my pocket. Two of them have been considered by the House Committee on Roads. Two of them, in fact, have been enacted, and one, the authorization bill for post-war road planning, will soon be the subject of very exhaustive hearings by the committee. I wrote out a speech on this legislation and it was my intention to deliver it here to tell you what I thought you ought to do in regard to post-war road planning and building. But on further consideration I realized that you, as experts in this field, knew so much more about it than I do as a member of the committee that it would be unfair to you to take up your time on that kind of a discussion. So, if you will pardon me, I am going to talk on another phase of road building and post-war planning, and I will have to do it extemporaneously.

Mr. Chairman, it goes without saying, I presume, that the prosecution of the war is so paramount that every other problem and every other consideration is secondary and of relatively small immediate importance. Nevertheless, it is obvious to us all not only that this war sooner or later must end, but that it must end in complete and total victory for the United States and the Allied Nations, and that when that time comes, the Congress and the country must consider legislation and must be prepared to formulate and execute the plans whereby our economy may be transferred from a wartime economy into a peacetime economy in the shortest time possible and with as little disruption as possible.

You will notice I said the Congress and the country must do this and that I did not say the Government must do it. The reason I did not say the Government is that I did not want to run the risk of confusing you. Many of our people have of late years been confused as to just what constitutes their Government. Many of them seem to be of the notion that the Government means an administration in power, and particularly the executive agencies of that administration and so, I have said as plainly as I could that in my opinion this planning is a job that should be done by the Congress and the country. And I mean just that.

Under our Constitution, the Congress of the United States is the only body or agency which has any authority whatever to make law. It is the business and the province of the executive agencies of the Government to execute and to administer the law which the Congress makes. Post-war programs of any kind, including roads, therefore, should be based upon the mandatory law of Congress and it should not be based upon the decisions or the whims or the discretions of any of the executive agencies of the Government, whose only proper function, as I said a moment ago, is to administer the law of Congress and not to make law themselves.

And so I say to you, as a very important group of the people of this country, by far the most important group in the field of road construction and road planning, a group which has cooperated more closely with the representative branch of our Government in that field than any other, I say to you that it is incumbent upon you to prepare and to formulate your plans now for post-war road construction in cooperation with the Congress, which will enact the basic law under which those plans are to be carried out. And I say to you that the principal reason why you should do this and do it now is

because if you don't do it, these executive agencies will do it for you, just as they did in the days of the W. P. A.

I am sure I need not explain to you how this was done at one time or how it may be done again. I simply warn you that unless you insist upon exercising your rights and privileges as citizens of the United States, and unless you are resolved henceforth to keep your own Government and not permit it again to be transferred to the bureaucrats in the executive agencies, the bureaucrats will take over the post-war road-building program just as they took over the depression road-building program, and you will have another W. P. A. And now I think I had better define that term "bureaucrat" and also explain what I have referred to as "executive agencies."

By bureaucrats, I don't mean people like Tom MacDonald, who, of course, is a chief of a bureau, and the executive agencies that I am referring to do not include agencies like the Public Roads Administration. This and other old established agencies of the Government are the creatures of the Congress. They were created by law and they were created for the purpose of carrying out the mandate made by the people's representatives in the Congress. They are legitimate and necessary agencies of Government, and we will always have bureaus and agencies of this kind.

But during the past 10 years there has grown up in this country an entirely different kind of bureaucracy—a bureaucracy such as we have never known before. It is the bureaucracy which is represented by the so-called alphabetical agencies. It is a bureaucracy which is alien to our American system of government and which in many respects is directly opposed to representative government. Some of these alphabetical agencies started in the depression days when it was necessary for the Congress, in order to alleviate depression conditions, to grant to the Executive certain broad powers, which he in turn delegated to others. In almost every case the bureaucrats who headed these new executive agencies not only took the full broad power which was granted to them by statute, but they construed those statutes in such a way as to enable them to write orders, directives, and proclamations which had no statutory sanction but which, they claimed, had the force and the effect of law. Many of those orders and directives imposed penalties of fine and imprisonment upon people if they violated them. The Congress has been able to recapture very little of this usurped authority from the bureaucrats because, until the convening of the Seventy-eighth Congress, at least, it lacked an independent majority large enough to pass the necessary remedial legislation.

Then when the war came, it was necessary for the Congress, as every previous war Congress has had to do, to pass broad war powers acts, and that has resulted in the creation of still more new agencies. These new executive agencies have gone even further than the old ones and they have made orders, directives, and proclamations which affect the activity, the industry, the business, and the very life of all the people of this country, and in instance after instance they have done this without any authority of law whatever.

Nearly all of this new bureaucracy, nearly all of the new agencies representing it, have been busily engaged in post-war planning ever since this war started. Most of them had no statutory authority to engage in planning but they have nevertheless engaged in planning and some of them have completed their plans and are ready to put them into effect whenever the opportunity offers; and their plans—mark you—do not exclude road building.

The best known, perhaps, of all these executive planning agencies was the National Re-

sources Planning Board and, I am sure, you all remember that amazing outfit. You probably have read a part of its latest report, its "cradle to the grave" report, under which the future life of all of our citizens was mapped out and planned and controlled and regimented, not only from the cradle to the grave but for a considerable period beyond. And you may recall also that this National Resources Planning Board was not created by any act of Congress. It was established without any authority of law whatever. It succeeded in worming itself into the structure of the Government and, from time to time, in securing appropriations to carry on its work, which so far as law was concerned was entirely illegal.

You may recall particularly, because you are in the road-building business, that when the President vetoed the defense highway bill a couple of years ago he vetoed it, not upon the advice of the Administrator of Public Roads and not upon the advice of any agency of the Government which had been created by the Congress; he vetoed that bill on the advice of the National Resources Planning Board, no member of which knew anything about road building.

I had always opposed that Board, as well as every other planning board which had no authority in law to act, and I voted against appropriating money for it each time I had an opportunity to do so. I don't know whether I had anything particularly to do with its final demise, but, as you all know, the present Congress, when it came to appropriating further money to prolong the illegal life of this agency, denied it any further finances, and it is now nonexistent as a board. But individually it is not nonexistent, because you will still find members of the National Resources Planning Board in a half dozen other agencies of the Government, and they are still planning. They are all planning—planning to regiment the country in the post-war period as they did in the depression period, when they almost succeeded in making the depression a permanent institution.

Now, I want to bring up the old W. P. A. road-building and planning program because you are all so familiar with it, and to recall to your minds just what planning by an executive agency, without authority of Congress, can do, when such planning is put into practice.

You all remember how the W. P. A. road-building plan worked. More money was spent on that program for road building than was spent in the regular, constitutionally authorized way. Roads were built, of course. They were built, primarily, not to solve the transportation problem of the country, but they were used very largely as a vehicle for boondoggling. You will remember that Mr. Harry Hopkins, who was the head at that time of W. P. A., heartily defended boondoggling. He is said to have declared upon one occasion that the reason the American people didn't understand or appreciate boondoggling was that they were "too damned dumb." You will recall, also, that he, or one of his satellites in that great executive planning agency, said that his slogan was "Tax and tax—spend and spend—elect and elect." And they easily got away with this on the ground that the country faced a great emergency.

Now it is perfectly possible, unless we do our own road planning now, for an agency like W. P. A. to be revived and to take charge of our road-building program in post-war emergency. There is no essential difference between an agency like W. P. A. and many of the other agencies which have sprung up in recent years and which are now actually operating without authority of law. They all have several things in common. One is their desire to perpetuate themselves in office. Another is their desire to expand their jurisdiction and their control over the people and to pursue their alleged right to govern by

orders and by directives instead of by law made by the representatives of the people.

Much of this planning we know little about because recently an Executive order was issued which prohibited any of these agencies from making a report to a committee of the Congress, or even a report to an individual Member of Congress, unless the agency first obtained the consent of the Bureau of the Budget, where most of this planning activity is concentrated. You may be interested in hearing one or two paragraphs of this order. This order was issued on October 4, 1943. The first paragraph reads as follows:

"In order to facilitate budgeting activities, all departments and establishments of the executive branch of the Federal Government now or hereafter authorized by law to plan, propose, undertake, or aid public works in improvement projects financed in whole or in part by the Federal Government shall prepare and keep up to date, by at least annual revision, carefully planned and realistic long-range programs of such projects, all such programs being hereafter referred to as advanced programs."

Now these advanced program makers have been placed in a number of agencies and departments of the Government. They are in O. P. A. In fact, O. P. A. is full of them. They are in the War Production Board, and the War Manpower Commission. They are in the State Department. We have dozens of brilliant young men in dozens of agencies who have never had any practical experience in anything, who have been engaged for years at the taxpayers' expense in planning a better and bigger world not only for us but for the millions of people outside of the United States. "All such departments and establishments," the order continues, "shall submit to the Bureau of the Budget at the earliest possible date estimates of such appropriations for the fiscal years 1944 and 1945 as are necessary to provide, plan, and prepare for those public works and improvement projects proposed or undertaken during the first 3 years of their advanced programs. Thereafter, in order that plans for these public works and improvement projects will always be available in advance, all such departments and establishments shall prepare and submit to the Bureau during each fiscal year estimates of such appropriations and such estimates as may be necessary to provide plan preparation for those projects proposed for undertaking during the succeeding 3 fiscal years of their advance program. All estimates shall be accompanied by recommendations as to the additional known legislation or amendments to existing legislation that may be necessary to bring projects in their advanced programs to an appropriate readiness for prompt undertaking when and where needed."

And now, listen to this:

"Before any department or establishment shall submit to the Congress or to any committee or member thereof a report relating to exhibiting in whole or in part its advanced programs or the public works and improvement projects in such programs or the results of any plan or preparation for such programs or project, such report shall be submitted to the Bureau for advice as to its relationship to the program of the President. When such report is thereafter submitted to the Congress or to any committee or member thereof it shall include a statement of the advice received from the Bureau."

Now, any of you gentlemen who think that a road-building program with which the Congress may have nothing to do and with which the people generally may have nothing to do, or with which you as a group will have nothing to do, is not contemplated in this multifarious planning set-up simply do not understand the history or the philosophy of modern bureaucracy in America. Therefore, I say to you that it is incumbent to do your own planning now, and have it ready to be

put into effect under mandatory law of the Congress, and administered and supervised by the agency set up by the Congress for that purpose, which is the Public Roads Administration, and unless we do that, it is my opinion that another W. P. A., or perhaps something worse, will return.

The regimentation of our people is being planned and prepared by these agencies, who have no authority under law to do it, and unless the people prevent it and unless they support their representatives in Congress by insisting that this post-war planning be done by law, it is entirely possible that the people may lose control of their Government.

No committee in Congress has been more aware of this possibility of bureaucracy taking over the control of the Government, as it actually did in the depression years, than has the Roads Committee of the House of Representatives, because we have had that question before us continuously. The real problem, the real difficulty, the real controversy in all important road legislation in the last 10 years has not been the amount of money involved. It has been a question as to who would have authority to dispense this money and who would have jurisdiction to say what roads should be built, if at all, and how much should be expended upon them. In other words it has been a fight between bureaucracy and representative Government.

You will recall when we received the veto for the highway defense bill, the veto, as I said a moment ago, was suggested by this National Resources Planning Board and not by the Bureau of Roads or any other regularly constituted agency of the Government. The reasoning upon which that veto was based was that it did not give enough discretion to the executive agencies of the Government. I think I need not tell you, because you have been before our committee so many times, and I am sure I need not tell any colleague of mine on the committee, that there has never been a time in the last 10 years when we could not have secured as much money, within reason, as we wanted, in any one year, had we only consented to put the expenditure of this money into the discretionary jurisdiction of an executive agency, and one of the reasons why you still have your basic road law intact today is that the Public Roads Committee of the House of Representatives has always refused to do that and it has been willing to take a smaller amount of money and still retain its constitutional and legal jurisdiction.

The basic road law of the United States is one of the finest examples of mandatory congressional legislation which can be found upon the statute books of this country. From time to time it may need amendment and revision, but we insist that that amendment and revision, if and when necessary, shall be made by mandatory law and it shall not be made in any case by an encroachment upon our jurisdiction by any of these alphabetical executive agencies.

The Roads Committees of the House and Senate, knowing this, knowing the danger which we have always faced, and knowing the increasing danger which we will continue to face, have undertaken, with your help and advice and assistance, to make a mandatory post-war road building program of our own. I am not going to discuss this legislation, as it was my original intention to do, because, as I say, you, having basically originated it yourself, are just as familiar with it as I am. I do wish very briefly to tell you, however, what it is.

The first item of this program was Public Resolution No. 146. That was the bill which authorized \$50,000,000 for planning and surveys. This money is to be expended for planning and surveys. It was not authorized or appropriated to be played with by any outfit like the National Resources Planning Board or by any of the professors in any other executive agency. It was authorized to be ex-

pendent by the Commissioner of the Public Roads in cooperation with the highway departments of the several States. You are using that money now for planning and surveys, and when you finish your planning and your surveys, we will have the basic plan on which to build the highway construction program after the war. There will be a plan which will actually come from experts in their fields, because there are no greater experts in any field than the members of your association are in your own field. So, you who are most vitally interested are the ones who have really made those plans. You submitted them to your legally constituted committee of the legislative body of this country and that committee has reported it out and the Congress has translated it into law, and that law is mandatory.

Another item on this program will interest you. I have told you that these various alphabetical agencies have from time to time tried without authority of law to appropriate unto themselves a part of the jurisdiction of the Congress and the Roads Committee in regard to roads. And in two or three cases they succeeded, temporarily. I could tell you of one of the most amazing examples of bureaucratic encroachment which happened before our committee. The thing was so amazing that I could hardly believe it myself.

When the second access road bill was introduced, from the time of its introduction until the time the committee began consideration of it, the professors down in the Road Division of the War Production Board began to take a hand in it, and they wrote an order which was designated as Order L-41, which upon examination, insofar as the construction of access roads was concerned, nullified the mandatory law of Congress and provided that, notwithstanding the law, we could not begin the construction of a necessary naval or military access road unless we made application, to whom do you suppose? To the Administrator of the Federal Housing Authority.

Well, some of us, when we read this order, wanted to know how it came about. So at our request, the chairman of the committee called up the professor who was to administer the order, the engineer who was supposed to give him advice on this critical matter, and the lawyer for the Division who was supposed, I imagine, to see that this agency did not undertake to nullify a law of Congress. We found that the man who was to administer the order had never built a road, knew nothing about road building, and wasn't even interested in it; that the engineer was consulted only on a minor matter, and that when it came to the fundamental issue at stake, whether an act of Congress could be nullified by the order of an executive agency, the attorney had never even been consulted on the question.

Well, at the conclusion of this hearing, the order was rescinded, as far as it affected access roads. But we have found that when these agencies say they rescind or modify an order, you cannot always depend upon it. It will crop up in another place, and they will usurp jurisdiction whenever they get an opportunity. So, having that experience behind it, the Roads Committee reported out and passed House Resolution 243, which gives the committee the right to investigate these agencies encroaching upon the jurisdiction of the Congress and the committee, and gives the committee power to subpoena witnesses, including these very bureaucrats, notwithstanding the order that I read a moment ago, which declares that these bureaucrats may not give any information to committees of Congress or to the individual Members of Congress unless they have the consent of the Bureau of the Budget.

Not only the Roads Committee, but a number of other committees of the Congress have been obliged to put themselves in the posi-

tion, by special acts of Congress, of investigating committees having the power of subpoena, so that they can call these executive planners in and make them tell what they have been doing, notwithstanding any Executive order to the contrary.

The final item on this congressional program for post-war road building, of course, is the bill authorizing appropriation of the money to put the program into effect, and directing how and by whom the money shall be spent. That bill originated in your body. I am not going to discuss it. There are several provisions in it with which I may not entirely agree, and possibly most of the Members would entertain difference of opinion on some of its provisions. I wish to say only this about it: It is fundamentally sound and legislatively proper. Not only is it fundamentally sound to authorize this \$3,000,000,000 for a post-war construction program, but the great virtue of it is that the authority for the program comes from a mandatory bill to be enacted by the Congress of the United States. It is a bill and a program in which none of these executive agencies is to have any discretionary authority whatever.

Before I conclude, I wish to say just a word about the financing of this huge future undertaking. Some have contended that an amount so large would be too great a tax burden upon the people of the United States. I would like to say at this point that that kind of a contention has no foundation in fact whatever. The financing of roads in this country is a unique proposition. It is not paid for by the general taxpayer at all. All of the financing of roads, State roads, and of Federal roads, or Federal aid to States in building roads, is all financed by excise taxes levied upon the road users of the several States—and that is a thing which none of you should ever forget when they talk about the great burden of a large road-building program upon the general taxpayer, because it is not the fact. Everyone who uses the roads pays for those roads. The payment is in effect a toll. You pay for using a road whenever you drive over it because you have to buy the gasoline on which is levied not only a State but a Federal tax. None of this Federal money used in aid to the States comes out of the pockets of the general taxpayer. It is paid into the Treasury, of course. But the Government in the past 10 or 15 years has been spending in aid to States for road building only about one-half of the money that it collected from the road users of the several States. Some years ago I told you in Seattle that if I ever became chairman of this committee I would try to put a stop to that nefarious practice of the Government actually taking money from the road users of the States and then not using it on roads, but using it for general governmental purposes. I believe, and I always have believed, that that is wrong, and I pledge to do my utmost to put a stop to it still stands.

I trust very much, gentlemen, that my discussion of bureaucracy, as it has affected and may again affect road building, has been accepted by you in the spirit in which I have offered it. I hope none of you will presume that there has been anything political in my observations. I assure you there has not been. You may be surprised to know that none of these questions I have been discussing, particularly none of these questions coming up before the Roads Committee of the House, has ever been considered upon political lines. From hearing a discussion of members in the Roads Committee, and that is true of many other committees, it would be impossible for an onlooker to tell what political party a member belongs to. The same is, to a large extent, true in the body of the Congress itself, and that also may surprise you. Very little important legislation in the Congress of the United States is ever decided upon political party lines.

There are two groups in Congress—one which tolerates bureaucracy in government and one which insists that this shall be a government of law and not of men. That is the controversy and that is the line upon which most of this controversial legislation is divided. That struggle is going on now. It is a struggle which will determine whether the representatives of the people in Congress shall make the law under which we all must live, or whether in the future we shall live under directives and proclamations and orders made by the executive agencies. That question has to be settled. I think it will be settled in this Congress; if not in this one, then in the next one, after the people shall once more have had the opportunity to exercise their franchise. And I believe when it is settled that government by law will prevail over government by men.

My distinguished colleague who preceded me mentioned a sad incident of a wounded boy returning from the front. We all have sons or sons-in-law in this war. Many of them will not return. As for my own, if he returns, I pray that he may return to a country which still is free, a country wherein his life will not be regimented, wherein his rights and duties and privileges will not be determined by the whims or fancies of bureaucratic officials. I pray, rather, that he may return to the same country which his fathers helped to build. The country which, of right, is his heritage, where every man may have a chance to live his life and be the master of his own destiny. Only if we can preserve that kind of a country will this war be really won. If we defeat the enemy and still lose our own free government, then the sacrifices of these boys will have been in vain. But if we are true to them, if we are true to ourselves, then the sacrifice, whatever it may be, will have been well made. For, then, and only then, may we fulfill the high resolve pronounced by Lincoln at Gettysburg, "that government of the people, by the people, and for the people shall not perish from the earth."

EXTENSION OF REMARKS

Mr. BLAND. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD on the critical shortage of keymen in the fisheries industries; to include a plan proposed by the Committee on the Merchant Marine and Fisheries yesterday to the subcommittee of the Committee on Military Affairs, headed by the gentleman from California [Mr. COSTELLO]; and also a resolution from the commissioner of fisheries of the State of Virginia, and other documents.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

[The matter referred to appears in the Appendix.]

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a letter from Mr. Chester Bowles.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

[The matter referred to will appear hereafter in the Appendix.]

REPUBLICAN CONGRESSIONAL FOOD STUDY COMMITTEE

Mr. JENKINS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. JENKINS. Mr. Speaker, the Seventy-eighth Congress is about to recess for a short period. This session has been a busy one. The Congress has accurately interpreted the public mind and has devoted itself largely to the country's most important task—that of winning the war. Both political parties have cooperated in this respect.

Next in importance to the war activities is the problem of food and sustenance. Food is a military problem as well as a domestic problem. We must not only feed ourselves, but we must assist the unfortunate in overrun countries. All this involves problems of production, distribution, and transportation.

The Republican Party has not only cooperated in every way with the administration in solving intricate food problems, but it has offered many constructive suggestions, some of which have been accepted.

To the Republican Congressional Food Study Committee must go much credit for the improvements recently noted in the administration of the food problem. This was accomplished by constructive suggestions and by just criticism in some cases.

It was only natural that much confusion would result when the administration of the food problems was put under the authority of many different agencies. The Republican Congressional Food Study Committee, by reason of its unity of purpose and by its constructive action, has been able to relieve the country of much of this confusion. There remains much to be done. Our committee still maintains that the whole food problem should be placed under one head, with full authority and full responsibility. The first major accomplishment of the Republican Congressional Food Study Committee was the introduction of the Jenkins bill, which is still pending before Congress. The Fulmer bill, which is of the same import, has resulted from the studies of this committee and has been supported by this committee. These two bills propose the centralization of all food administration under a single head, with full authority as well as full responsibility.

The spontaneous action of the Committee on Agriculture in favorably reporting the Palmer bill served notice on various Government food agencies that the country is fully aware of the dangerous situation into which it is being driven. As a result of this proposed legislation the various food agencies of the Government have shown a marked tendency to compose their jealousies and their overlapping jurisdictions. One of the two bills above mentioned and the principles involved therein should be adopted into legislation immediately.

The continuing and consistent action of the Republican Congressional Food Study Committee in throwing the spotlight of publicity upon troublesome weaknesses in the administration of the food problem has had an important part in changing the trend of bureaucracy. Conflict between bureaus is never remedied

by the bureaus themselves until some outside influence is asserted.

In many instances the committee, through the individual efforts of its members, has taken an interest in specific problems, thereby forcing better administration and encouraging producers and processors of food and feed to increase their output. This committee has taken a special interest in the problems of the canners and in the problems of the producers of poultry and dairy products. Likewise the shortage of farm labor and farm machinery has claimed the attention of the committee, and good results have been accomplished. Livestock and meat products have presented some difficult problems, which the committee has attacked and from which good results have been accomplished.

The committee has not only considered the problems of the producer, but it has held a number of public hearings in the large consuming centers of the country. These hearings have been attended by representatives of consumers, distributors, and producers. By reason of these hearings the committee has been able to offer constructive suggestions and to relieve chaotic conditions.

More recently the committee has made comprehensive studies of the serious problems involved in Government food surpluses. This situation is becoming worse and worse, as will appear from the fact that the Government has been compelled to give away, without price and without points, great quantities of food supplies in an effort to prevent the same from spoiling. As a result of these studies, the Phillips bill (H. R. 4275) has been introduced in Congress and is now pending before the Committee on Agriculture. This bill provides for the orderly disposition of Government food surpluses by a single agency, which would absorb the functions of other agencies now involved in the same work. The Phillips bill should be passed immediately.

The Republican congressional food study committee has endeavored to lend itself cooperatively to individual Members, and has encouraged them to present their individual problems to the committee for consideration. The committee has by its action served notice on the executive branch of the Government that the Republican membership in Congress feels the importance of food in the national economy, and that the food problem is not in any way a matter of politics.

In these days we hear and read much about post-war planning. The conferences held some time ago at Hot Springs, Va., and at Atlantic City, were engaged principally with discussions of the international aspects of the food problem. This movement, commonly designated as U. N. R. R. A., has tremendous possibilities and must be carefully watched. Unwise commitments may involve us in serious international complications and may wreck our national economy. Agriculture is still America's basic industry, and it should not be drawn into international complications that will endanger its efficiency. Likewise our national

78TH CONGRESS
1ST SESSION

H. R. 2426

IN THE HOUSE OF REPRESENTATIVES

APRIL 7, 1943

Mr. ROBINSON of Utah introduced the following bill; which was referred to the Committee on Roads

A BILL

To supplement the Federal-aid Road Act approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of greatly needed highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, to cushion the post-war conversion to peacetime economy, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, when used in this Act, unless the context indicates
4 otherwise—

5 The term “construction” means the supervising, inspect-
6 ing, actual building, and all expenses incidental to the con-

1 struction of a highway, including locating, surveying and
2 mapping, costs of rights-of-way, and elimination of hazards
3 at railway-grade crossings.

4 The term "urban area" means an area including and
5 adjacent to a city of ten thousand or more, the population
6 of such included city to be determined by the Federal census
7 of 1940. The boundaries of urban areas, as defined herein,
8 will be fixed by the State highway department of each
9 State subject to the approval of the Public Roads Adminis-
10 tration.

11 The term "rural areas" means all areas of the State not
12 included in "urban areas".

13 The term "geographic region" means any geographic
14 division of the United States indicated by the United States
15 Bureau of the Census for the census of 1940.

16 The term "secondary and feeder roads" means any road
17 not on the Federal-Aid System.

18 SEC. 2. For the purpose of carrying out the provisions
19 of this Act there is hereby authorized to be appropriated
20 the sum of \$3,000,000,000 to become available at the
21 rate of \$1,000,000,000 a year for each three successive post-
22 war years.

23 The authorization for the first year shall be apportioned
24 among the States within thirty days from the passage of
25 this Act; the authorization for the second year shall be

1 apportioned among the States within one year after the
2 first apportionment; and the authorization for the third year
3 shall be apportioned among the States within one year
4 after the second apportionment.

5 The authorization for the first year shall be available
6 for obligation for construction immediately upon the termi-
7 nation of the present war emergency, or on such earlier
8 date as the Congress may direct; the authorization for the
9 second year shall become available for obligation for con-
10 struction within one year after the first authorization becomes
11 available; the authorization for the third year shall become
12 available for obligation for construction within one year after
13 the second authorization becomes available.

14 The Commissioner of Public Roads is authorized to enter
15 into agreements with the State highway departments for
16 the making of surveys and plans and the acquisition of
17 rights-of-way. His approval of any such agreement shall
18 be a contractual obligation of the Federal Government for
19 the payment of its pro rata share of the cost thereof when
20 the funds provided herein are made available for construction.

21 SEC. 3. The sums authorized in section 2 shall be appor-
22 tioned among the States in accordance with the provisions of
23 the Federal Highway Act of 1921 as amended and supple-
24 mented, except that such apportionment shall be based as

1 follows: One-half population, one-fourth area, one-fourth
2 post-road mileage.

3 SEC. 4. The sums apportioned for each year shall be
4 available as follows: One-half for projects on the system of
5 Federal-aid highways and one-half for projects in urban areas
6 and for secondary and feeder roads. The division within any
7 State between projects within urban areas and secondary or
8 feeder road projects shall be made in the proportion which
9 the population within urban areas and rural areas bears to the
10 total population of the State according to the latest available
11 Federal census.

12 SEC. 5. The Federal share payable on account of any
13 project provided for by the funds made available by this Act
14 shall not exceed 75 per centum of the cost thereof plus a
15 percentage of the remaining 25 per centum of such cost in
16 any State containing unappropriated and unreserved public
17 lands, other Federal lands, and nontaxable Indian lands, indi-
18 vidual and tribal, exceeding 5 per centum of the total area of
19 all lands therein, equal to the percentage that the area of such
20 lands in such State is of its total area.

21 SEC. 6. If the Commissioner of Public Roads shall de-
22 termine that it is necessary for the expeditious completion
23 of projects undertaken pursuant to this Act, he may advance
24 to any State from funds heretofore or hereafter made avail-
25 able the Federal share of the cost thereof to enable the

1 State highway department to make prompt payments for
2 work as it progresses. The funds so advanced shall be
3 deposited in a special trust account by the State treasurer,
4 or other State official authorized under the laws of the State
5 to receive Federal-aid highway funds, to be disbursed solely
6 upon vouchers approved by the State highway department
7 for work actually performed in accordance with plans, speci-
8 fications, and estimates approved by the Public Roads Ad-
9 ministration under the provisions of this Act. Any unex-
10 pended balances of funds so advanced shall be returned to
11 the credit of the appropriation from which the funds have
12 been advanced.

13 SEC. 7. There shall be designated within the continental
14 United States an Interregional Highway System not ex-
15 ceeding forty thousand miles in total extent so located as
16 to connect by routes, as direct as practicable, the principal
17 metropolitan areas, cities, and industrial centers of each
18 geographic region of the United States with metropolitan
19 areas, cities, and industrial centers of like importance in all
20 other geographic regions of the United States, and to con-
21 nect at suitable border points with routes of continental
22 importance in the Dominion of Canada and the Republic of
23 Mexico. Within each geographic region the routes of the
24 Interregional Highway System shall be initially selected by

1 joint action of the State highway departments of the States
2 comprising the region. The routes initially selected shall
3 be reviewed by the Public Roads Administration and such
4 revision as may be necessary to provide for the interconnec-
5 tion of the routes initially selected at the boundaries of
6 geographic regions shall be prescribed by the Commissioner
7 of Public Roads after consultation with the State highway
8 departments of the regions affected. All highways or
9 routes included in the Interregional Highway System as
10 finally selected, if not already included in the Federal-aid
11 Highway System, shall be added to said system without
12 regard to any mileage limitation.

13 SEC. 8. The Commissioner of Public Roads is authorized
14 to cooperate with the State highway departments in the
15 location, development, and construction of off-street facilities
16 for the parking of vehicles and the construction of highway
17 facilities to give access to and between transportation ter-
18 minals, and all such facilities shall be considered to be highway
19 projects. Where provision is made by any State for the
20 permanent prohibition of parking of vehicles within the
21 roadway or street portion of any through highway over which
22 the State has been legally vested with traffic control, and
23 which forms a section of the system of Federal-aid highways,
24 funds authorized by this Act are hereby made available on
25 the pro rata basis provided by this Act for the location,

1 development, and construction of off-street vehicle-parking
2 facilities to serve the area where parking on such highways is
3 so prohibited, and for facilities to give access to and between
4 transportation terminals, including the cost of acquiring the
5 land necessary for any such facilities.

6 SEC. 9. By agreement with the State highway depart-
7 ment of any State, such new or additional rights-of-way,
8 lands, or interest in lands in such State as may be required
9 for any project authorized by this Act, may be acquired by
10 such highway department or by any political subdivision of
11 such State, and the Commissioner of Public Roads may
12 advance or reimburse the share of the cost (including title
13 evidence, plats, appraisals, consideration to landowner and
14 property damages, and any fees incidental thereto) of such
15 acquisition payable by the Federal Government: *Provided,*
16 *however,* That if the highway department of any State shall
17 submit to the Federal Works Administrator plats, descrip-
18 tions, appraisal data, and title evidence relating to lands or
19 interest in lands required for the right-of-way for any project
20 under this Act, including a statement as to the efforts made
21 to acquire the same and to obtain possession and right of
22 entry thereto, and if the Federal Works Administrator shall
23 find that the highway department or political subdivision of
24 such State within which is located the road for which such
25 lands or interest in lands is required after proper effort under

1 the laws of the State is unable to obtain possession and the
2 right to enter upon and to use the required lands or interest
3 in lands, improved or unimproved, with sufficient prompt-
4 ness, the Federal Works Administrator is authorized to ac-
5 quire, prior to approval of title by the Attorney General, in
6 the name of the United States, such rights-of-way, lands,
7 or interest in lands as may be required in such State for such
8 project, by purchase, donation, condemnation, or otherwise,
9 in accordance with the laws of the United States (including
10 the Act of February 26, 1931, 46 Stat. 1421) and may
11 enter upon and take possession thereof, and expend public
12 funds for projects thereon, prior to approval of title by the
13 Attorney General (without regard to the provisions of sec-
14 tions 355, 1136, and 3709 of the Revised Statutes, as
15 amended, and without regard to State, municipal, or local
16 laws, ordinances, or regulations). The costs incurred by the
17 Federal Works Administrator in acquiring any such rights-
18 of way, lands, or interest in lands may include the cost of
19 examination and abstract of title, certificate of title, plats,
20 advertising, appraisals, the consideration to be paid for such
21 lands or interest in lands, including property damage, and
22 any fees incidental to such acquisition, and shall be payable
23 out of the funds available for paying the cost, or the Federal
24 share of the cost, of the project for which such rights-of-way,
25 lands, or interest in lands are acquired. The Federal Works

1 Administrator is further authorized and directed, by proper
2 deed executed in the name of the United States, to convey
3 any lands or interest in lands acquired in any State under
4 the provisions of this section to the highway department of
5 such State, or to such political subdivision thereof as its laws
6 may provide, upon condition that such highway department
7 or political subdivision will accept the same and will main-
8 tain the project constructed thereon without cost to the
9 Federal Government.

A BILL

To supplement the Federal-aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of greatly needed highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, to cushion the post-war conversion to peacetime economy, and for other purposes.

By Mr. ROBINSON of Utah

APRIL 7, 1943

Referred to the Committee on Roads

78TH CONGRESS
1ST SESSION

S. 971

IN THE SENATE OF THE UNITED STATES

APRIL 7 (legislative day, APRIL 6), 1943

Mr. McKELLAR introduced the following bill; which was read twice and referred to the Committee on Post Offices and Post Roads

A BILL

To supplement the Federal-aid Road Act approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of greatly needed highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, to cushion the post-war conversion to peacetime economy, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, when used in this Act, unless the context indicates
4 otherwise—

5 The term "construction" means the supervising, inspect-
6 ing, actual building, and all expenses incidental to the con-

1 struction of a highway, including locating, surveying and
2 mapping, costs of rights-of-way, and elimination of hazards
3 at railway-grade crossings.

4 The term "urban area" means an area including and
5 adjacent to a municipality of ten thousand or more, the
6 population of such included city to be determined by the
7 Federal census of 1940. The boundaries of urban areas, as
8 defined herein, will be fixed by the State highway depart-
9 ment of each State subject to the approval of the Public
10 Roads Administration.

11 The term "rural areas" means all areas of the State not
12 included in "urban areas".

13 The term "geographic region" means any geographic
14 division of the United States indicated by the United States
15 Bureau of the Census for the census of 1940.

16 The term "secondary and feeder roads" means any road
17 not on the Federal-aid system.

18 SEC. 2. For the purpose of carrying out the provisions
19 of this Act there is hereby authorized to be appropriated the
20 sum of \$3,000,000,000 to become available at the rate of
21 \$1,000,000,000 a year for each three successive post-war
22 years.

23 The authorization for the first year shall be apportioned
24 among the States within thirty days from the passage of this
25 Act; the authorization for the second year shall be appor-

1 tioned among the States within one year after the first appor-
2 tionment; and the authorization for the third year shall be
3 apportioned among the States within one year after the
4 second apportionment.

5 The authorization for the first year shall be available
6 for obligation for construction immediately upon the termi-
7 nation of the present war emergency, or on such earlier date
8 as the Congress may direct; the authorization for the second
9 year shall become available for obligation for construction
10 within one year after the first authorization becomes avail-
11 able; the authorization for the third year shall become avail-
12 able for obligation for construction within one year after the
13 second authorization becomes available.

14 The Commissioner of Public Roads is authorized to
15 enter into agreements with the State highway departments
16 for the making of surveys and plans and the acquisition of
17 rights-of-way. His approval of any such agreement shall
18 be a contractual obligation of the Federal Government for
19 the payment of its pro rata share of the cost thereof when
20 the funds provided herein are made available for construction.

21 SEC. 3. The sums authorized in section 2 shall be appor-
22 tioned among the States in accordance with the provisions
23 of the Federal Highway Act of 1921, as amended and
24 supplemented, except that such apportionment shall be based

1 as follows: One-half population, one-fourth area, one-fourth
2 post-road mileage.

3 SEC. 4. The sums apportioned for each year shall be
4 available as follows: One-half for projects on the system
5 of Federal-aid highways and one-half for projects in urban
6 areas and for secondary and feeder roads. The division
7 within any State between projects within urban areas and
8 secondary or feeder road projects shall be made in the
9 proportion which the population within urban areas and
10 rural areas bears to the total population of the State accord-
11 ing to the latest available Federal census.

12 SEC. 5. The Federal share payable on account of any
13 project provided for by the funds made available by this
14 Act shall not exceed 75 per centum of the cost thereof plus
15 a percentage of the remaining 25 per centum of such cost
16 in any State containing unappropriated and unreserved
17 public lands, other Federal lands, and nontaxable Indian
18 lands, individual and tribal, exceeding 5 per centum of the
19 total area of all lands therein, equal to the percentage that
20 the area of such lands in such State is of its total area.

21 SEC. 6. If the Commissioner of Public Roads shall deter-
22 mine that it is necessary for the expeditious completion of
23 projects undertaken pursuant to this Act, he may advance
24 to any State from funds heretofore or hereafter made avail-
25 able the Federal share of the cost thereof to enable the State

1 highway department to make prompt payments for work as
2 it progresses. The funds so advanced shall be deposited in
3 a special trust account by the State treasurer, or other State
4 official authorized under the laws of the State to receive Fed-
5 eral-aid highway funds, to be disbursed solely upon vouchers
6 approved by the State highway department for work actually
7 performed in accordance with plans, specifications, and esti-
8 mates approved by the Public Roads Administration under
9 the provisions of this Act. Any unexpended balances of
10 funds so advanced shall be returned to the credit of the appro-
11 priation from which the funds have been advanced.

12 SEC. 7. There shall be designated within the continental
13 United States an Interregional Highway System not exceed-
14 ing forty thousand miles in total extent so located as to con-
15 nect by routes, as direct as practicable, the principal metro-
16 politan areas, cities, and industrial centers of each geographic
17 region of the United States with metropolitan areas, cities,
18 and industrial centers of like importance in all other geo-
19 graphic regions of the United States, and to connect at suit-
20 able border points with routes of continental importance in
21 the Dominion of Canada and the Republic of Mexico. With-
22 in each geographic region the routes of the Interregional
23 Highway System shall be initially selected by joint action
24 of the State highway departments of the States comprising

1 the region. The routes initially selected shall be reviewed by
2 the Public Roads Administration and such revision as may
3 be necessary to provide for the interconnection of the routes
4 initially selected at the boundaries of geographic regions
5 shall be prescribed by the Commissioner of Public Roads after
6 consultation with the State highway departments of the re-
7 gions affected. All highways or routes included in the Inter-
8 regional Highway System as finally selected, if not already
9 included in the Federal-aid Highway System, shall be added
10 to said system without regard to any mileage limitation.

11 SEC. 8. The Commissioner of Public Roads is authorized
12 to cooperate with the State highway departments in the loca-
13 tion, development, and construction of off-street facilities for
14 the parking of vehicles and the construction of highway
15 facilities to give access to and between transportation ter-
16 minals, and all such facilities shall be considered to be high-
17 way projects. Where provision is made by any State for
18 the permanent prohibition of parking of vehicles within the
19 roadway or street portion of any through highway over which
20 the State has been legally vested with traffic control, and
21 which forms a section of the system of Federal-aid highways,
22 funds authorized by this Act are hereby made available on
23 the pro rata basis provided by this Act for the location, de-
24 velopment, and construction of off-street vehicle-parking
25 facilities to serve the area where parking on such highways

1 is so prohibited, and for facilities to give access to and be-
2 tween transportation terminals, including the cost of acquiring
3 the land necessary for any such facilities.

4 SEC. 9. By agreement with the State highway depart-
5 ment of any State, such new or additional rights-of-way,
6 lands, or interest in lands in such State as may be required
7 for any project authorized by this Act, may be acquired by
8 such highway department or by any political subdivision of
9 such State, and the Commissioner of Public Roads may ad-
10 vance or reimburse the share of the cost (including title evi-
11 dence, plats, appraisals, consideration to landowner and prop-
12 erty damages, and any fees incidental thereto) of such
13 acquisition payable by the Federal Government: *Provided,*
14 *however,* That if the highway department of any State shall
15 submit to the Federal Works Administrator plats, descrip-
16 tions, appraisal data, and title evidence relating to lands or
17 interest in lands required for the right-of-way for any project
18 under this Act, including a statement as to the efforts made
19 to acquire the same and to obtain possession and right of
20 entry thereto, and if the Federal Works Administrator shall
21 find that the highway department or political subdivision of
22 such State within which is located the road for which such
23 lands or interest in lands is required after proper effort under
24 the laws of the State is unable to obtain possession and the
25 right to enter upon and to use the required lands or interest

1 in lands, improved or unimproved, with sufficient promptness,
2 the Federal Works Administrator is authorized to acquire,
3 prior to approval of title by the Attorney General, in the
4 name of the United States, such rights-of-way, lands, or
5 interest in lands as may be required in such State for such
6 project, by purchase, donation, condemnation, or otherwise,
7 in accordance with the laws of the United States (including
8 the Act of February 26, 1931, 46 Stat. 1421) and may enter
9 upon and take possession thereof, and expend public funds
10 for projects thereon, prior to approval of title by the Attorney
11 General (without regard to the provisions of sections 355,
12 1136, and 3709 of the Revised Statutes, as amended, and
13 without regard to State, municipal, or local laws, ordinances,
14 or regulations). The costs incurred by the Federal Works
15 Administrator in acquiring any such rights-of-way, lands, or
16 interest in lands may include the cost of examination and
17 abstract of title, certificate of title, plats, advertising, ap-
18 praisals, the consideration to be paid for such lands or interest
19 in lands, including property damage, and any fees incidental
20 to such acquisition, and shall be payable out of the funds
21 available for paying the cost, or the Federal share of the
22 cost, of the project for which such rights-of-way, lands, or
23 interest in lands are acquired. The Federal Works Admin-
24 istrator is further authorized and directed, by proper deed
25 executed in the name of the United States, to convey any

1 lands or interest in lands acquired in any State under the
2 provisions of this section to the highway department of such
3 State, or to such political subdivision thereof as its laws may
4 provide, upon condition that such highway department or
5 political subdivision will accept the same and will maintain
6 the project constructed thereon without cost to the Federal
7 Government.

A BILL

To supplement the Federal-aid Road Act approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of greatly needed highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, to cushion the post-war conversion to peacetime economy, and for other purposes.

By Mr. McKELLAR

APRIL 7 (legislative day, APRIL 6), 1943

Read twice and referred to the Committee on Post
Offices and Post Roads

78TH CONGRESS
2D SESSION

H. R. 4915

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 1944

Mr. ROBINSON of Utah introduced the following bill; which was referred to
the Committee on Roads

A BILL

To amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, when used in this Act, unless the context indicates
4 otherwise—

5 The term “construction” means the supervising, inspect-
6 ing, actual building, and all expenses incidental to the con-
7 struction or reconstruction of a highway, including locating,

1 surveying, and mapping, costs of rights-of-way, and elimina-
2 tion of hazards at railway-grade crossings.

3 The term "urban area" means an area including and
4 adjacent to a municipality of ten thousand or more, the
5 population of such included municipality to be determined
6 by the latest available Federal census. The boundaries
7 of urban areas, as defined herein, will be fixed by the State
8 highway department of each State subject to the approval
9 of the Public Roads Administration.

10 The term "rural areas" means all areas of the State
11 not included in "urban areas".

12 The term "secondary and feeder roads" means roads
13 in rural areas, including farm-to-market roads, rural-mail
14 routes, and school-bus routes, and not on the Federal-aid
15 system.

16 SEC. 2. For the purpose of carrying out the provisions
17 of the Federal Highway Act, approved November 9, 1921,
18 as amended and supplemented, there is hereby authorized to
19 be appropriated the sum of \$1,500,000,000 to become avail-
20 able at the rate of \$500,000,000 a year for each three suc-
21 cessive post-war fiscal years. The first post-war fiscal year
22 shall be that fiscal year which ends on June 30 following
23 the termination of the present war emergency, or as other-
24 wise directed by the Congress. The authorization for the
25 first post-war fiscal year shall be apportioned among the

1 States within thirty days from the passage of this Act. The
2 authorizations for the second and third post-war fiscal years
3 shall be apportioned among the States not later than
4 January 1 next preceding the beginning of each such fiscal
5 year. As soon as the funds for each of the first two post-
6 war fiscal years have been apportioned, the Commissioner
7 of Public Roads is authorized to enter into agreements
8 with the State highway departments for the making of sur-
9 veys and plans, the acquisition of rights-of-way, and the post-
10 war construction of projects. His approval of any such
11 agreement shall be a contractual obligation of the Federal
12 Government for the payment of its pro rata share of the
13 cost of construction.

14 SEC. 3. The sums authorized in section 2 shall be appor-
15 tioned among the States in accordance with the provisions of
16 the Federal Highway Act of 1921 as amended and supple-
17 mented, except that such apportionment shall be based as
18 follows: One-half population, one-fourth area, one-fourth
19 post-road mileage.

20 SEC. 4. After making the deductions for administration,
21 research, and investigations as provided in section 21 of the
22 Federal Highway Act of 1921, the sums authorized for
23 each three successive post-war years shall be apportioned
24 as follows:

1 (a) \$225,000,000 for projects on the Federal-aid high-
2 way system either inside or outside of municipalities.

3 (b) \$125,000,000 for projects on the principal second-
4 ary and feeder roads, including farm-to-market roads, rural
5 free delivery mail and public-school bus routes, either outside
6 of municipalities or inside of municipalities of less than ten
7 thousand population: *Provided*, That these funds shall be
8 expended on a system of such roads selected by the State
9 highway departments in consultation with the county super-
10 visors, county commissioners, or other appropriate local
11 road officials subject to the approval of the Commissioner of
12 Public Roads.

13 (c) \$150,000,000 for projects on the principal high-
14 ways in urban areas on the Federal-aid highway system.

15 (d) That any sums apportioned to any State under the
16 provisions of this section shall be available for expenditure
17 in that State for two years and any amount so apportioned
18 remaining unexpended at the end of such period shall lapse:
19 *Provided*, That such funds shall be deemed to have been
20 expended if covered by formal agreement with the Commis-
21 sioner of Public Roads for the improvement of a specific
22 project as provided by this Act.

23 SEC. 5. The Federal share payable on account of any
24 project provided for by the funds made available by this
25 Act for the first post-war year shall not exceed 60 per

1 centum of the cost thereof; for the second and third post-
2 war years the Federal share shall not exceed 50 per centum
3 of the cost thereof: *Provided*, That in the case of any State
4 containing unappropriated and unreserved public lands and
5 nontaxable Indian lands, individual and tribal, exceeding
6 5 per centum of the total area of all lands therein the
7 Federal share shall be increased in each of the three post-
8 war years by a percentage of the remaining cost equal to
9 the percentage that the area of all such lands in such State
10 is of its total area: *Provided further*, That the entire con-
11 struction cost of projects for the elimination of hazards of
12 railway-highway crossings may be paid from Federal funds,
13 except that not more than 50 per centum of the right-of-
14 way and property damage costs, paid from public funds, on
15 any such project, may be paid from Federal funds.

16 SEC. 6. If the Commissioner of Public Roads shall de-
17 termine that it is necessary for the expeditious completion
18 of projects undertaken pursuant to this Act, he may advance
19 to any State from funds heretofore or hereafter made avail-
20 able the Federal share of the cost thereof to enable the
21 State highway department to make prompt payments for
22 work as it progresses. The funds so advanced shall be
23 deposited in a special trust account by the State treasurer,
24 or other State official authorized under the laws of the State

1 to receive Federal-aid highway funds, to be disbursed solely
2 upon vouchers approved by the State highway department
3 for work actually performed in accordance with plans, speci-
4 fications, and estimates approved by the Public Roads Ad-
5 ministration under the provisions of this Act. Any unex-
6 pended balances of funds so advanced shall be returned to
7 the credit of the appropriation from which the funds have
8 been advanced.

9 SEC. 7. There shall be designated within the continental
10 United States a National System of Interstate Highways not
11 exceeding forty thousand miles in total extent so located as
12 to connect by routes, as direct as practicable, the principal
13 metropolitan areas, cities, and industrial centers, to serve the
14 national defense, and to connect at suitable border points
15 with routes of continental importance in the Dominion of
16 Canada and the Republic of Mexico. The routes of the
17 National System of Interstate Highways shall be selected by
18 joint action of the State highway departments of each State
19 and the adjoining States, as provided by the Federal High-
20 way Act of November 9, 1921, for the selection of the
21 Federal-aid system. All highways or routes included in the
22 National System of Interstate Highways as finally approved,
23 if not already included in the Federal-aid highway system,
24 shall be added to said system without regard to any mileage
25 limitation.

1 SEC. 8. With the approval of the Federal Works Ad-
2 ministrator, not to exceed $1\frac{1}{2}$ per centum of the amount
3 apportioned for any year to any State under the Federal
4 Highway Act as amended and supplemented, except sec-
5 tions 3 and 23 thereof shall hereafter be used with or with-
6 out State funds for surveys, plans, engineering, and economic
7 investigations of projects for future construction in such
8 State, on the Federal-aid highway system and extensions
9 thereof within municipalities, on secondary or feeder roads,
10 urban highways or grade-crossing eliminations, and for high-
11 way research necessary in connection therewith.

12 SEC. 9. For the purpose of carrying out the provisions of
13 section 23 of the Federal Highway Act (42 Stat. 218), as
14 amended and supplemented, there is hereby authorized to be
15 appropriated (1) for forest highways the sum of \$25,000,000
16 for the first post-war year and a like amount for each of the
17 second and third post-war years; and (2) for forest develop-
18 ment roads and trails the sum of \$12,500,000 for the first
19 post-war year and a like amount for each of the second and
20 third post-war years: *Provided*, That the apportionment for
21 forest highways in Alaska shall be for each year \$1,500,000
22 and that such additional amount as otherwise would have
23 been apportioned to Alaska for each of said years shall be
24 apportioned among those States, including Puerto Rico, whose
25 forest highway apportionment for such year otherwise would

1 be less than 1 per centum of the entire apportionment for
2 forest highways for that year.

3 SEC. 10. (a) For the construction, reconstruction, im-
4 provement, and maintenance of roads and trails, inclusive of
5 necessary bridges, in national parks, monuments, and other
6 areas administered by the National Park Service, including
7 areas authorized to be established as national parks and monu-
8 ments, and national park and monument approach roads
9 authorized by the Act of January 31, 1931 (46 Stat. 1053),
10 as amended, there is hereby authorized to be appropriated
11 the sum of \$12,750,000 to become available at the rate of
12 \$4,250,000 a year for each three successive post-war years.

13 (b) For the construction and maintenance of park-
14 ways, to give access to national parks and national monu-
15 ments, or to become connecting sections of a national parkway
16 plan, over lands to which title has been transferred to the
17 United States by the States or by private individuals, there
18 is hereby authorized to be appropriated the sum of
19 \$15,000,000 to become available at the rate of \$5,000,000
20 a year for each three successive post-war years.

21 SEC. 11. The Commissioner of Public Roads is author-
22 ized, notwithstanding the provisions of any other law, to
23 cooperate with the State highway departments and any
24 Federal agency in the location, development, construction,
25 and maintenance of flight strips adjacent to public high-

1 ways, or roadside development areas along such highways,
2 in order to insure greater safety for traffic on the public
3 highways by providing additional facilities to be available
4 for the landing and take-off of aircraft. When requested by
5 the State highway department, funds authorized by this
6 Act are hereby made available, in addition to any funds
7 that may be available under any other appropriation, for
8 carrying out the provisions of this section and for paying
9 all or any part of the necessary costs incurred therefor, in-
10 cluding the cost of acquiring the land necessary for such
11 facilities. Federal highway funds shall not be used for the
12 reconstruction or relocation of any highway giving access
13 to a flight strip or airport, or for the reconstruction or re-
14 location of any highway which has been or may be closed or
15 the usefulness of which has been or may be impaired by the
16 location or construction of any flight strip or airport, unless
17 the officials in charge have first concurred with the State
18 highway department and the Public Roads Administration
19 in the location of such flight strip or airport.

20 SEC. 12. On any highway or street hereafter constructed
21 with Federal aid in any State, the location, form, and
22 character of informational, regulatory and warning signs,
23 curb and pavement or other markings, and traffic signals
24 installed or placed by any public authority, or other agency,
25 shall be subject to the approval of the State highway depart-

1 ment with the concurrence of the Public Roads Administra-
2 tion; and the Commissioner of Public Roads is hereby
3 directed to concur only in such installations as will promote
4 the safe and efficient utilization of the highways.

A BILL

To amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

By Mr. ROBINSON of Utah

JUNE 1, 1944

Referred to the Committee on Roads

POST-WAR FEDERAL-AID HIGHWAY ACT OF 1944

JUNE 5, 1944.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. ROBINSON of Utah, from the Committee on Roads, submitted the following

REPORT

[To accompany H. R. 4915]

The Committee on Roads, to whom was referred the bill (H. R. 4915) to amend and supplement the Federal-aid Road Act approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way and for other purposes, having considered the same, unanimously report it without amendment and recommend that the bill do pass.

The bill is a substitute for H. R. 2426, upon which the committee held extensive public hearings on February 29, March 1 to 4, 6 to 11, 13 to 16, 21 to 24, 27, and 28; April 24 to 28, and May 2, 1944.

INTRODUCTION

During public hearings, 110 witnesses, including more than 20 Members of the Congress, appeared before the committee, and numerous statements were filed in writing. The record of testimony fills two printed volumes.

Witnesses representing agriculture, labor, industry, Federal, State, and municipal officials, highway users, consumers, and other groups joined in substantial agreement on six fundamental points which are encompassed in this bill. The points are:

1. It is necessary for Congress to act without delay. In 1945 the legislatures of 45 States will meet in biennial session. Only if national policy is clearly established in this field, and if the extent of Federal-aid is indicated, can the States make full progress in meeting the complex legal, financial, and engineering problems which must be solved in advance if the post-war program is to be soundly planned.

2. An urgent need exists for development of a program which, after the war, will overcome deficiencies in the road system, catch up on construction and reconstruction deferred during the emergency, and meet the Nation's anticipated transportation requirements.

3. Recognizing the sovereignty of the States, the Federal program shall preserve intact the principle of Federal aid which has characterized road legislation for nearly three decades, allocating funds among the States by formula, matched by State funds, and administered by the Public Roads Administration in a coordinate relationship with the States.

4. The program must encourage continuance of competitive bidding on construction and major reconstruction projects, under the private contract system.

5. Projects approved for Federal aid shall conform to a definite classification of road systems, so that improvements are made on a selective basis, to meet transportation needs.

6. Congress should enact all necessary post-war highway legislation in a single, comprehensive bill.

The bill recognizes the obligation of the Federal Government to provide leadership after the war in the development of highway transportation facilities essential to the general welfare and to the national defense.

It proposes post-war legislation which, in the words of Public Roads Commissioner Thomas H. MacDonald, "will mark the progress of road construction for the next 25 years."¹

The bill authorizes post-war Federal-aid to the States for the improvement of congested and hazardous traffic arteries in metropolitan areas which even before the war began were grossly inadequate.

The modern highways contemplated under this program will provide capacity and safety for the day-to-day business and social travel of millions of citizens between, through, and around population centers. They will also attract heavy traffic away from residential access streets, and provide a framework for future urban redevelopment.

Vast improvement of secondary and feeder roads in all rural sections of the country likewise is provided. On these highways travel the school bus, the rural mail carrier, the police and fire vehicles. Secondary roads are also intimately linked to the daily movement of millions of farm trucks and passenger cars.

The bill authorizes joint State-Federal designation of a national system of rural and urban highways not to exceed 40,000 miles.

When improved during future years to new high standards of design, these heavily traveled routes are expected to carry one-fifth of the total traffic, although they will represent only about one-hundredth of the road mileage of the Nation.

The basic network of expressways to be designated will, moreover, provide the capacity and design features necessary to carry heavy, volumes of civilian or military traffic with maximum efficiency and minimum hazard.

In consideration of the employment situation which may exist after the war, and mindful of the needs of men returning from military service, the bill enables the States, acting jointly with the Federal

¹ Testimony before Roads Committee.

Government, to build up a shelf of essential road projects which can be undertaken during the reconversion period.

The capacity of the highway program to provide useful jobs, both on the site of the improvements and in supply industries, was demonstrated in pre-war years when approximately one-half of all public works were road improvement projects.

Congressional leadership in encouraging sound post-war planning of public works through the enactment of this Federal-aid authorization bill will reduce the risk of wasteful and unproductive expenditure of public funds for purely "make work" projects.

The inadequacies of the highway system are great. Measured in terms of operating costs for the millions of users, and in terms of congestion, accidents, and delays in traffic, the inadequacies were severe even before the war began, and the suspension of new construction and curtailment of maintenance during the emergency have made them even more acute.

The bill will provide Federal aid to the States for the elimination of these inadequacies after the war. This will be a major contribution to the highway transportation system, which has become closely integrated with the day-to-day life of every citizen in the Nation.

It will be a substantial contribution as well to numerous related objectives which depend upon satisfactory highways, including the redevelopment of cities; the protection and wise use of our national resources; the promotion of rural education and health; the support of agricultural development; the desirable location of industry; and the adoption of desirable land-use patterns.

The purposes of the bill are more particularly set forth below.

DEFINITIONS

Section 1 of the bill redefines the term "construction" to include locating, surveying, mapping, cost of right-of-way, and elimination of hazards at railway grade crossings. It also defines urban and rural areas, and secondary and feeder roads.

AUTHORIZATION OF APPROPRIATIONS

Section 2 authorizes the appropriation of \$1,500,000,000 to become available at the rate of \$500,000,000 a year for each 3 successive post-war fiscal years. It provides for the apportionment of the funds authorized for each year; the first \$500,000,000 to be apportioned within 30 days of the passage of the act and to be immediately available for contractual obligation by agreement between the Commissioner of Public Roads and the State highway departments for the preparation of plans, acquisition of rights-of-way, and for the post-war construction of projects. Likewise, the authorization for the second post-war fiscal year is made available for contractual obligation following its apportionment. Further legislative action will be necessary to authorize contractual obligations under the apportionment of funds for the third post-war fiscal year.

APPORTIONMENT FORMULA

Section 3 provides that the funds authorized for each of the post-war fiscal years shall be apportioned in accordance with the provisions of the Federal Highway Act, except that greater weight is to be given to population, the ratio being as follows: One-half population, one-fourth area, and one-fourth post-road mileage. Under section 21 of the Federal Highway Act equal weight is given to the factors of population, area, and post-road mileage. The increase in the population factor gives recognition to the greater needs and the more expensive construction required because of heavier traffic in the more populous States, particularly in the metropolitan areas.

The following table shows the approximate amount which each State would receive annually under H. R. 4915:

State	Federal-aid highway system	Farm-to- market roads	Urban highways	Total
Alabama.....	\$4,683,000	\$2,601,000	\$3,122,000	\$10,406,000
Arizona.....	2,630,000	1,461,000	1,753,000	5,844,000
Arkansas.....	3,684,000	2,046,000	2,456,000	8,186,000
California.....	9,560,000	5,311,000	6,374,000	21,245,000
Colorado.....	3,490,000	1,939,000	2,328,000	7,757,000
Connecticut.....	1,739,000	966,000	1,160,000	3,865,000
Delaware.....	1,097,000	610,000	731,000	2,438,000
Florida.....	3,194,000	1,775,000	2,130,000	7,099,000
Georgia.....	5,504,000	3,058,000	3,669,000	12,231,000
Idaho.....	2,302,000	1,278,000	1,534,000	5,114,000
Illinois.....	9,844,000	5,469,000	6,563,000	21,876,000
Indiana.....	5,447,000	3,026,000	3,631,000	12,104,000
Iowa.....	5,219,000	2,900,000	3,479,000	11,598,000
Kansas.....	4,986,000	2,769,000	3,323,000	11,078,000
Kentucky.....	4,305,000	2,392,000	2,869,000	9,566,000
Louisiana.....	3,479,000	1,933,000	2,320,000	7,732,000
Maine.....	1,806,000	1,003,000	1,204,000	4,013,000
Maryland.....	2,111,000	1,173,000	1,408,000	4,692,000
Massachusetts.....	3,953,000	2,196,000	2,636,000	8,785,000
Michigan.....	7,258,000	4,033,000	4,839,000	16,130,000
Minnesota.....	5,675,000	3,153,000	3,785,000	12,613,000
Mississippi.....	3,916,000	2,176,000	2,613,000	8,705,000
Missouri.....	6,533,000	3,630,000	4,356,000	14,519,000
Montana.....	3,642,000	2,023,000	2,428,000	8,093,000
Nebraska.....	3,897,000	2,165,000	2,598,000	8,660,000
Nevada.....	2,200,000	1,223,000	1,467,000	4,890,000
New Hampshire.....	1,097,000	610,000	731,000	2,438,000
New Jersey.....	3,832,000	2,129,000	2,555,000	8,516,000
New Mexico.....	2,944,000	1,635,000	1,963,000	6,542,000
New York.....	13,588,000	7,549,000	9,058,000	30,195,000
North Carolina.....	5,518,000	3,065,000	3,678,000	12,261,000
North Dakota.....	2,780,000	1,544,000	1,853,000	6,177,000
Ohio.....	8,729,000	4,849,000	5,819,000	19,397,000
Oklahoma.....	4,762,000	2,645,000	3,174,000	10,581,000
Oregon.....	3,242,000	1,801,000	2,161,000	7,204,000
Pennsylvania.....	10,906,000	6,058,000	7,270,000	24,234,000
Rhode Island.....	1,097,000	610,000	731,000	2,438,000
South Carolina.....	3,056,000	1,698,000	2,037,000	6,791,000
South Dakota.....	2,913,000	1,618,000	1,942,000	6,473,000
Tennessee.....	4,759,000	2,644,000	3,172,000	10,575,000
Texas.....	13,297,000	7,386,000	8,864,000	29,547,000
Utah.....	2,124,000	1,180,000	1,416,000	4,720,000
Vermont.....	1,097,000	610,000	731,000	2,438,000
Virginia.....	4,171,000	2,317,000	2,782,000	9,270,000
Washington.....	3,362,000	1,868,000	2,241,000	7,471,000
West Virginia.....	2,624,000	1,458,000	1,749,000	5,831,000
Wisconsin.....	5,336,000	2,964,000	3,557,000	11,857,000
Wyoming.....	2,204,000	1,225,000	1,469,000	4,898,000
Hawaii.....	1,097,000	610,000	731,000	2,438,000
District of Columbia.....	1,097,000	610,000	731,000	2,438,000
Puerto Rico.....	1,589,000	883,000	1,059,000	3,531,000
Reserved for administration and engineering.....	5,625,000	3,125,000	3,750,000	12,500,000
Total.....	225,000,000	125,000,000	150,000,000	500,000,000

**FEDERAL-AID HIGHWAY SYSTEM, FARM-TO-MARKET ROADS, HIGHWAYS
IN URBAN AREAS**

Section 4 divides the amount authorized for each year into three categories: (a) \$225,000,000 for projects on the Federal-aid highway system either inside or outside of municipalities; (b) \$125,000,000 for projects on the principal secondary and feeder roads, including farm-to-market roads, rural free delivery mail, and public-school bus routes, either outside of municipalities or inside of municipalities of less than 10,000 population; (c) \$150,000,000 for projects on the principal highways in urban areas on the Federal-aid highway system.

This section also provides for the selection of a secondary or feeder road system, including farm-to-market roads, rural free delivery mail, and public-school bus routes, by the State highway departments in consultation with the appropriate local road officials, including county supervisors and county commissioners, subject to the approval of the Commissioner of Public Roads.

For the first time Federal aid for improvements on the Federal-aid highway system in urban areas is given specific recognition by setting aside funds solely for that work. Testimony before the committee clearly indicated the desirability and necessity of providing Federal aid for projects in urban areas where traffic bottlenecks create acute congestion and costly construction is required to provide relief from such conditions. Bypasses of cities alone will not cure the difficulty because traffic studies have demonstrated that the great bulk of travel is destined for sections well inside the cities.

Although the funds for each year are divided into three categories, a large measure of flexibility is provided. The funds for projects on the Federal-aid highway system may be used either inside or outside of municipalities. Farm-to-market road projects and others in the secondary or feeder road group may be located in the rural areas or inside of the smaller cities. Projects in urban areas may be so located as to provide for bypasses around and routes into and through metropolitan areas. This flexibility will permit each State to utilize the funds to the best advantage in meeting the most important highway needs of that State.

PERIOD OF AVAILABILITY

Section 4 (d) makes the funds available for 2 years and provides that any funds that are not taken up through agreement with the Commissioner of Public Roads during this period of availability, will lapse.

MATCHING FUNDS

Section 5 makes the funds authorized for the first post-war fiscal year available to pay 60 percent of the cost of any project, but for the second and third years the Federal share is restricted to the normal 50 percent. It also continues the so-called sliding scale of participation in the States which have certain public lands exceeding 5 percent of the total area of the State.

It provides further that the entire cost of projects for the elimination of hazards of railway-highway crossings may be paid from Federal

funds, but restricts to 50 percent the Federal participation in the costs of right-of-way and property damage on such projects.

Testimony submitted to the committee on the \$3,000,000,000 program proposed in H. R. 2426 indicated that many States would have difficulty in matching Federal aid on the normal 50-50 basis because of great reduction in their revenues due to gasoline rationing and rubber conservation. The States will also have very heavy expenditures to make in rehabilitating highways which they have been unable to reconstruct during the war and heavy maintenance on roads on which they have been unable to provide adequate maintenance. With the reduction by one-half of the amount proposed in H. R. 2426 and the provision for 60 percent participation on the part of the Federal funds for the first year, the committee believes that States should be required to match the Federal funds provided for the second and third years on an equal basis.

ADVANCE OF FEDERAL FUNDS

Section 6 provides for the advancing of Federal funds to the State highway departments to be set up in a special trust account and used only in paying for work performed on the Federal-aid projects provided for in the bill. As some of the States may not have cash readily available to assume the full cost of projects while waiting for Federal reimbursement, the setting up of such trust funds by advancing a part of a State's apportionment will insure prompt payment to contractors as the work is accomplished.

A similar provision was carried in the Defense Highway Act and with the approval of the General Accounting Office and the Treasury Department a similar procedure was followed in the expenditure of the emergency funds provided under the National Industrial Recovery Act.

NATIONAL SYSTEM OF INTERSTATE HIGHWAYS

Section 7 provides for the designation of a national system of interstate highways of not to exceed 40,000 miles so located as to serve the national defense and to connect by routes as direct as practicable the principal metropolitan areas, cities, and industrial centers. The designation of such a system is in line with the recommendation made by the Commissioner of Public Roads in a report made to Congress pursuant to the provisions of section 5 of the act of July 13, 1943.

HIGHWAY PLANNING SURVEYS

Section 8 continues the provisions under which the State-wide highway planning surveys were conducted and permits the highway research necessary in connection with the planning of future construction with Federal-aid highway funds. The facts and information developed by these planning surveys have been of very great assistance in solving highway transport problems directly related to the war effort. The committee believes that it is important that this work be continued and the information kept up to date.

FOREST ROADS AND TRAILS

Section 9 provides for a resumption of the highway work in the national forests following the war. Except for access roads to sources of critical materials necessary to the war effort, highway construction in the national forests has practically ceased since the war. A 3-year post-war highway program is provided for by an authorization of \$25,000,000 a year for forest highways and \$12,500,000 a year for forest development roads and trails. The apportionment for forest highways in Alaska is limited to \$1,500,000 for each of the post-war years, and the funds that would otherwise be apportioned to Alaska are to be divided among those States whose apportionment would otherwise be less than 1 percent.

PARK ROADS AND TRAILS

Section 10 (a) provides an authorization of \$4,250,000 a year for each 3 successive post-war years.

PARKWAYS

Section 10 (b) provides for the construction and maintenance of parkways to give access to national parks and monuments and authorizes an appropriation of \$5,000,000 a year for each 3 successive post-war years. Construction of roads in the national parks and construction of parkways has been regularly authorized in previous Federal-aid highway legislation and this provision will permit the resumption of such work after the war.

FLIGHT STRIPS ADJACENT TO PUBLIC HIGHWAYS

Section 11 authorizes the Commissioner of Public Roads to cooperate with the State highway departments and any Federal agency in the location, development, construction, and maintenance of flight strips to insure greater safety for traffic on the public highways and to provide needed facilities for the landing and take-off of aircraft. Funds authorized in the act when requested by the State highway departments are made available for this work. Consultation of officials who are responsible for the construction of airports or flight strips with the State highway departments and the Public Roads Administration is required if Federal funds are to be used for the reconstruction or relocation of any highway giving access to such airport or flight strip.

UNIFORM TRAFFIC SIGNALS

Section 12 makes a desirable start in the direction of uniformity of traffic signals, signs, and markings by directing the Commissioner of Public Roads to concur only in such installations on Federal-aid projects as will promote the safe and efficient utilization of the highways.

CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in existing law proposed by the bill are shown in parallel columns as follows:

EXISTING LAW

Section 1, Public Law 146, Seventy-eighth Congress (57 Stat. 560): "The term 'construction' means the supervising, inspecting, actual building, and all expenses, including the costs of rights-of-way, incidental to the construction of a highway, except locating, surveying, and mapping."

Section 21, Federal Highway Act (42 Stat. 212): The Secretary of Agriculture, after making the deduction authorized by this section, shall apportion the remainder of the appropriation made for expenditure under the provision of the Act for the fiscal year among the several States in the following manner: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States at the close of the next preceding fiscal year, as shown by certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary of Agriculture.

NEW LANGUAGE

The term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping, costs of rights-of-way, and elimination of hazards at railway grade crossings

SEC. 3. The sums authorized in section 2 shall be apportioned among the States in accordance with the provisions of the Federal Highway Act of 1921, as amended and supplemented, except that such apportionment shall be based as follows: One-half population, one-fourth area, one-fourth post-road mileage.

TEXT OF THE BILL

The bill as unanimously recommended by the committee is as follows:

(H. Rept. No. 4915, 78th Cong., 2d sess.)

A BILL To amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, when used in this Act, unless the context indicates otherwise—

The term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping, costs of rights-of-way, and elimination of hazards at railway-grade crossings.

The term "urban area" means an area including and adjacent to a municipality of ten thousand or more, the population of such included municipality to be determined by the latest available Federal census. The boundaries of urban areas, as defined herein, will be fixed by the State highway department of each State subject to the approval of the Public Roads Administration.

The term "rural areas" means all areas of the State not included in "urban areas".

The term "secondary and feeder roads" means roads in rural areas, including farm-to-market roads, rural-mail routes, and school-bus routes, and not on the Federal-aid system.

SEC. 2. For the purpose of carrying out the provisions of the Federal Highway Act, approved November 9, 1921, as amended and supplemented, there is hereby authorized to be appropriated the sum of \$1,500,000,000 to become available at the rate of \$500,000,000 a year for each three successive post-war fiscal years. The first post-war fiscal year shall be that fiscal year which ends on June 30 following the termination of the present war emergency, or as otherwise directed by the Congress. The authorization for the first post-war fiscal year shall be apportioned among the States within thirty days from the passage of this Act. The authorizations for the second and third post-war fiscal years shall be apportioned among the States not later than January 1 next preceding the beginning of each such fiscal year. As soon as the funds for each of the first two post-war fiscal years have been apportioned, the Commissioner of Public Roads is authorized to enter into agreements with the State highway departments for the making of surveys and plans, the acquisition of rights-of-way, and the post-war construction of projects. His approval of any such agreement shall be a contractual obligation of the Federal Government for the payment of its pro rata share of the cost of construction.

SEC. 3. The sums authorized in section 2 shall be apportioned among the States in accordance with the provisions of the Federal Highway Act of 1921 as amended and supplemented, except that such apportionment shall be based as follows: One-half population, one-fourth area, one-fourth post-road mileage.

SEC. 4. After making the deductions for administration, research, and investigations as provided in section 21 of the Federal Highway Act of 1921, the sums authorized for each three successive post-war years shall be apportioned as follows:

(a) \$225,000,000 for projects on the Federal-aid highway system either inside or outside of municipalities

(b) \$125,000,000 for projects on the principal secondary and feeder roads, including farm-to-market roads, rural free delivery mail and public-school bus routes, either outside of municipalities or inside of municipalities of less than ten thousand population: *Provided*, That these funds shall be expended on a system of such roads selected by the State highway departments in consultation with the county supervisors, county commissioners, or other appropriate local road officials subject to the approval of the Commissioner of Public Roads.

(c) \$150,000,000 for projects on the principal highways in urban areas on the Federal-aid highway system.

(d) That any sums apportioned to any State under the provisions of this section shall be available for expenditure in that State for two years and any amount so apportioned remaining unexpended at the end of such period shall lapse: *Provided*, That such funds shall be deemed to have been expended if covered by formal agreement with the Commissioner of Public Roads for the improvement of a specific project as provided by this Act.

SEC. 5. The Federal share payable on account of any project provided for by the funds made available by this Act for the first post-war year shall not exceed 60 per centum of the cost thereof; for the second and third post-war years the Federal share shall not exceed 50 per centum of the cost thereof: *Provided*, That in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein the Federal share shall be increased in each of the three post-war years by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area: *Provided further*, That the entire construction cost of projects for the elimination of hazards of railway-highway crossings may be paid from Federal funds, except that not more than 50 per centum of the right-of-way and property damage costs, paid from public funds, on any such project, may be paid from Federal funds.

SEC. 6. If the Commissioner of Public Roads shall determine that it is necessary for the expeditious completion of projects undertaken pursuant to this Act, he may advance to any State from funds heretofore or hereafter made available the Federal share of the cost thereof to enable the State highway department to make prompt payments for work as it progresses. The funds so advanced shall be deposited in a special trust account by the State treasurer, or other State official

authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for work actually performed in accordance with plans, specifications, and estimates approved by the Public Roads Administration under the provisions of this Act. Any unexpended balances of funds so advanced shall be returned to the credit of the appropriation from which the funds have been advanced.

SEC. 7. There shall be designated within the continental United States a National System of Interstate Highways not exceeding forty thousand miles in total extent so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of the National System of Interstate Highways shall be selected by joint action of the State highway departments of each State and the adjoining States, as provided by the Federal Highway Act of November 9, 1921, for the selection of the Federal-aid system. All highways or routes included in the National System of Interstate Highways as finally approved, if not already included in the Federal-aid highway system, shall be added to said system without regard to any mileage limitation.

SEC. 8. With the approval of the Federal Works Administrator, not to exceed $1\frac{1}{2}$ per centum of the amount apportioned for any year to any State under the Federal Highway Act as amended and supplemented, except sections 3 and 23 thereof shall hereafter be used with or without State funds for surveys, plans, engineering, and economic investigations of projects for future construction in such State, on the Federal-aid highway system and extensions thereof within municipalities, on secondary or feeder roads, urban highways or grade-crossing eliminations, and for highway research necessary in connection therewith.

SEC. 9. For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), as amended and supplemented, there is hereby authorized to be appropriated (1) for forest highways the sum of \$25,000,000 for the first post-war year and a like amount for each of the second and third post-war years; and (2) for forest development roads and trails the sum of \$12,500,000 for the first post-war year and a like amount for each of the second and third post-war years: *Provided*, That the apportionment for forest highways in Alaska shall be for each year \$1,500,000 and that such additional amount as otherwise would have been apportioned to Alaska for each of said years shall be apportioned among those States, including Puerto Rico, whose forest highway apportionment for such year otherwise would be less than 1 per centum of the entire apportionment for forest highways for that year.

SEC. 10. (a) For the construction, reconstruction, improvement, and maintenance of roads and trails, inclusive of necessary bridges, in national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of \$12,750,000 to become available at the rate of \$4,250,000 a year for each three successive post-war years.

(b) For the construction and maintenance of parkways, to give access to national parks and national monuments, or to become connecting sections of a national parkway plan, over lands to which title has been transferred to the United States by the States or by private individuals, there is hereby authorized to be appropriated the sum of \$15,000,000 to become available at the rate of \$5,000,000 a year for each three successive post-war years.

SEC. 11. The Commissioner of Public Roads is authorized, notwithstanding the provisions of any other law, to cooperate with the State highway departments and any Federal agency in the location, development, construction, and maintenance of flight strips adjacent to public highways, or roadside development areas along such highways, in order to insure greater safety for traffic on the public highways by providing additional facilities to be available for the landing and take-off of aircraft. When requested by the State highway department, funds authorized by this Act are hereby made available, in addition to any funds that may be available under any other appropriation, for carrying out the provisions of this section and for paying all or any part of the necessary costs incurred therefor, including the cost of acquiring the land necessary for such facilities. Federal highway funds shall not be used for the reconstruction or relocation of any highway

giving access to a flight strip or airport, or for the reconstruction or relocation of any highway which has been or may be closed or the usefulness of which has been or may be impaired by the location or construction of any flight strip or airport, unless the officials in charge have first concurred with the State highway department and the Public Roads Administration in the location of such flight strip or airport.

SEC. 12. On any highway or street hereafter constructed with Federal aid in any State, the location, form, and character of informational, regulatory and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority, or other agency, shall be subject to the approval of the State highway department with the concurrence of the Public Roads Administration; and the Commissioner of Public Roads is hereby directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

INDIVIDUAL VIEWS OF REPRESENTATIVE JAMES W. MOTT, OF OREGON

I shall support H. R. 4195 solely for the reason that it is essential that legislation providing for a post-war highway construction program be enacted at this session of the Congress. I feel constrained, however, to state here that the bill, as reported from committee, in my opinion, is wholly inadequate to meet proven post-war highway needs. It is my opinion, further, that there is no sufficient reason or excuse for this inadequacy, because the entire testimony presented at the committee hearings clearly disclosed (1) that the minimum amount required for an adequate post-war highway program would be \$1,000,000,000 per year for 3 years; and (2) that the financing of such a program would be economically feasible and would not result in an undue tax burden on the people who are to benefit by the legislation.

When introduced, the initial legislation (H. R. 2426) provided \$1,000,000,000 annually for the 3 successive post-war years. Throughout the course of the hearings there was complete unanimity as to the justification and appropriateness of this amount. Over a hundred witnesses appeared before the committee and presented incontrovertible testimony regarding post-war highway requirements. As the record will disclose, these witnesses established beyond question that the minimum amount of Federal funds necessary to support a post-war highway program of adequate proportions would be a billion dollars for each of the 3 successive post-war years. The action of the committee in cutting this authorization in half is not supported by the record, and it constitutes nothing more than a purely arbitrary finding. Such arbitrary findings fail to take cognizance of the basic problems involved in this legislation, the result of which would be a niggardly approach to a problem of extreme national implications.

Witnesses from the 48 States and the Territories presented detailed data regarding actual highway requirements, the total of which involved over \$11,100,000,000. Other competent witnesses placed the total highway needs of the Nation in the neighborhood of \$16,000,000,000. Practically without exception, the witnesses appearing before the committee emphasized the absolute need of at least \$1,000,000,000 annually in Federal aid to support the post-war highway program. Witness after witness admonished the committee that unless a Federal-aid program of such proportions is established we will not be able to even approach post-war highway requirements and face a break-down of the highway transportation system.

Of equal importance was the wealth of testimony before the committee regarding the economic aspects of post-war construction. Witnesses representing the Federal Government, States, counties, and cities, as well as the highway users, labor, and industry warned the committee that unless we make adequate preparation now we face the return of the Work Projects Administration or even something

worse in the post-war era. According to the testimony of these experts the authorization of only \$500,000,000 a year would be but a pitiful approach to a problem of tremendous proportions.

Much has been said regarding the size of the national debt as contrasted with the favorable financial conditions of the several States. In this connection, however, it may be pointed out that a Federal-aid authorization of a billion dollars a year for each of the 3 post-war years would have very little, if any, effect on the size of the national debt. Highway improvements may be truly classed as self-liquidating projects and according to competent authorities receipts from Federal excise taxes during the post-war period will be sufficient to meet the expenses of a program twice the size of the one contemplated under H. R. 4915. In fact, the amount provided in H. R. 4915 would not even equal the annual rate of Federal collections from highway users based on the 1942 level. For the fiscal year 1942 the receipts from Federal excise taxes on motor vehicles, gasoline, oil, etc., totaled \$626,327,000 which is over \$126,000,000 more than the annual amounts authorized in the bill under consideration. There is no question but that the number of vehicles and vehicle use will increase substantially following the war. This, of course, means substantially increased returns to the Federal Government from the various taxes now levied on motor vehicles and motor-vehicle use.

Accordingly, the amounts of Federal aid provided in H. R. 4915 are protested as being wholly inadequate and the recommendation is made that Federal aid for post-war highway construction should be fixed at the minimum of \$1,000,000,000 per year.

JAMES W. MOTT.





Union Calendar No. 539

78TH CONGRESS
2D SESSION

H. R. 4915

[Report No. 1597]

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 1944

Mr. ROBINSON of Utah introduced the following bill; which was referred to the Committee on Roads

JUNE 5, 1944

Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

A BILL

To amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, when used in this Act, unless the context indicates
4 otherwise—

5 The term “construction” means the supervising, inspect-
6 ing, actual building, and all expenses incidental to the con-
7 struction or reconstruction of a highway, including locating,

1 surveying, and mapping, costs of rights-of-way, and elimina-
2 tion of hazards at railway-grade crossings.

3 The term "urban area" means an area including and
4 adjacent to a municipality of ten thousand or more, the
5 population of such included municipality to be determined
6 by the latest available Federal census. The boundaries
7 of urban areas, as defined herein, will be fixed by the State
8 highway department of each State subject to the approval
9 of the Public Roads Administration.

10 The term "rural areas" means all areas of the State
11 not included in "urban areas".

12 The term "secondary and feeder roads" means roads
13 in rural areas, including farm-to-market roads, rural-mail
14 routes, and school-bus routes, and not on the Federal-aid
15 system.

16 SEC. 2. For the purpose of carrying out the provisions
17 of the Federal Highway Act, approved November 9, 1921,
18 as amended and supplemented, there is hereby authorized to
19 be appropriated the sum of \$1,500,000,000 to become avail-
20 able at the rate of \$500,000,000 a year for each three suc-
21 cessive post-war fiscal years. The first post-war fiscal year
22 shall be that fiscal year which ends on June 30 following
23 the termination of the present war emergency, or as other-
24 wise directed by the Congress. The authorization for the
25 first post-war fiscal year shall be apportioned among the

1 States within thirty days from the passage of this Act. The
2 authorizations for the second and third post-war fiscal years
3 shall be apportioned among the States not later than
4 January 1 next preceding the beginning of each such fiscal
5 year. As soon as the funds for each of the first two post-
6 war fiscal years have been apportioned, the Commissioner
7 of Public Roads is authorized to enter into agreements
8 with the State highway departments for the making of sur-
9 veys and plans, the acquisition of rights-of-way, and the post-
10 war construction of projects. His approval of any such
11 agreement shall be a contractual obligation of the Federal
12 Government for the payment of its pro rata share of the
13 cost of construction.

14 SEC. 3. The sums authorized in section 2 shall be appor-
15 tioned among the States in accordance with the provisions of
16 the Federal Highway Act of 1921 as amended and supple-
17 mented, except that such apportionment shall be based as
18 follows: One-half population, one-fourth area, one-fourth
19 post-road mileage.

20 SEC. 4. After making the deductions for administration,
21 research, and investigations as provided in section 21 of the
22 Federal Highway Act of 1921, the sums authorized for
23 each three successive post-war years shall be apportioned
24 as follows:

1 (a) \$225,000,000 for projects on the Federal-aid high-
2 way system either inside or outside of municipalities.

3 (b) \$125,000,000 for projects on the principal second-
4 ary and feeder roads, including farm-to-market roads, rural
5 free delivery mail and public-school bus routes, either outside
6 of municipalities or inside of municipalities of less than ten
7 thousand population: *Provided*, That these funds shall be
8 expended on a system of such roads selected by the State
9 highway departments in consultation with the county super-
10 visors, county commissioners, or other appropriate local
11 road officials subject to the approval of the Commissioner of
12 Public Roads.

13 (c) \$150,000,000 for projects on the principal high-
14 ways in urban areas on the Federal-aid highway system.

15 (d) That any sums apportioned to any State under the
16 provisions of this section shall be available for expenditure
17 in that State for two years and any amount so apportioned
18 remaining unexpended at the end of such period shall lapse:
19 *Provided*, That such funds shall be deemed to have been
20 expended if covered by formal agreement with the Commis-
21 sioner of Public Roads for the improvement of a specific
22 project as provided by this Act.

23 SEC. 5. The Federal share payable on account of any
24 project provided for by the funds made available by this
25 Act for the first post-war year shall not exceed 60 per

1 centum of the cost thereof; for the second and third post-
2 war years the Federal share shall not exceed 50 per centum
3 of the cost thereof: *Provided*, That in the case of any State
4 containing unappropriated and unreserved public lands and
5 nontaxable Indian lands, individual and tribal, exceeding
6 5 per centum of the total area of all lands therein the
7 Federal share shall be increased in each of the three post-
8 war years by a percentage of the remaining cost equal to
9 the percentage that the area of all such lands in such State
10 is of its total area: *Provided further*, That the entire con-
11 struction cost of projects for the elimination of hazards of
12 railway-highway crossings may be paid from Federal funds,
13 except that not more than 50 per centum of the right-of-
14 way and property damage costs, paid from public funds, on
15 any such project, may be paid from Federal funds.

16 SEC. 6. If the Commissioner of Public Roads shall de-
17 termine that it is necessary for the expeditious completion
18 of projects undertaken pursuant to this Act, he may advance
19 to any State from funds heretofore or hereafter made avail-
20 able the Federal share of the cost thereof to enable the
21 State highway department to make prompt payments for
22 work as it progresses. The funds so advanced shall be
23 deposited in a special trust account by the State treasurer,
24 or other State official authorized under the laws of the State

1 to receive Federal-aid highway funds, to be disbursed solely
2 upon vouchers approved by the State highway department
3 for work actually performed in accordance with plans, speci-
4 fications, and estimates approved by the Public Roads Ad-
5 ministration under the provisions of this Act. Any unex-
6 pended balances of funds so advanced shall be returned to
7 the credit of the appropriation from which the funds have
8 been advanced.

9 SEC. 7. There shall be designated within the continental
10 United States a National System of Interstate Highways not
11 exceeding forty thousand miles in total extent so located as
12 to connect by routes, as direct as practicable, the principal
13 metropolitan areas, cities, and industrial centers, to serve the
14 national defense, and to connect at suitable border points
15 with routes of continental importance in the Dominion of
16 Canada and the Republic of Mexico. The routes of the
17 National System of Interstate Highways shall be selected by
18 joint action of the State highway departments of each State
19 and the adjoining States, as provided by the Federal High-
20 way Act of November 9, 1921, for the selection of the
21 Federal-aid system. All highways or routes included in the
22 National System of Interstate Highways as finally approved,
23 if not already included in the Federal-aid highway system,
24 shall be added to said system without regard to any mileage
25 limitation.

1 SEC. 8. With the approval of the Federal Works Ad-
2 ministrator, not to exceed $1\frac{1}{2}$ per centum of the amount
3 apportioned for any year to any State under the Federal
4 Highway Act as amended and supplemented, except sec-
5 tions 3 and 23 thereof shall hereafter be used with or with-
6 out State funds for surveys, plans, engineering, and economic
7 investigations of projects for future construction in such
8 State, on the Federal-aid highway system and extensions
9 thereof within municipalities, on secondary or feeder roads,
10 urban highways or grade-crossing eliminations, and for high-
11 way research necessary in connection therewith.

12 SEC. 9. For the purpose of carrying out the provisions of
13 section 23 of the Federal Highway Act (42 Stat. 218), as
14 amended and supplemented, there is hereby authorized to be
15 appropriated (1) for forest highways the sum of \$25,000,000
16 for the first post-war year and a like amount for each of the
17 second and third post-war years; and (2) for forest develop-
18 ment roads and trails the sum of \$12,500,000 for the first
19 post-war year and a like amount for each of the second and
20 third post-war years: *Provided*, That the apportionment for
21 forest highways in Alaska shall be for each year \$1,500,000
22 and that such additional amount as otherwise would have
23 been apportioned to Alaska for each of said years shall be
24 apportioned among those States, including Puerto Rico, whose
25 forest highway apportionment for such year otherwise would

1 be less than 1 per centum of the entire apportionment for
2 forest highways for that year.

3 SEC. 10. (a) For the construction, reconstruction, im-
4 provement, and maintenance of roads and trails, inclusive of
5 necessary bridges, in national parks, monuments, and other
6 areas administered by the National Park Service, including
7 areas authorized to be established as national parks and monu-
8 ments, and national park and monument approach roads
9 authorized by the Act of January 31, 1931 (46 Stat. 1053),
10 as amended, there is hereby authorized to be appropriated
11 the sum of \$12,750,000 to become available at the rate of
12 \$4,250,000 a year for each three successive post-war years.

13 (b) For the construction and maintenance of park-
14 ways, to give access to national parks and national monu-
15 ments, or to become connecting sections of a national parkway
16 plan, over lands to which title has been transferred to the
17 United States by the States or by private individuals, there
18 is hereby authorized to be appropriated the sum of
19 \$15,000,000 to become available at the rate of \$5,000,000
20 a year for each three successive post-war years.

21 SEC. 11. The Commissioner of Public Roads is author-
22 ized, notwithstanding the provisions of any other law, to
23 cooperate with the State highway departments and any
24 Federal agency in the location, development, construction,
25 and maintenance of flight strips adjacent to public high-

1 ways, or roadside development areas along such highways,
2 in order to insure greater safety for traffic on the public
3 highways by providing additional facilities to be available
4 for the landing and take-off of aircraft. When requested by
5 the State highway department, funds authorized by this
6 Act are hereby made available, in addition to any funds
7 that may be available under any other appropriation, for
8 carrying out the provisions of this section and for paying
9 all or any part of the necessary costs incurred therefor, in-
10 cluding the cost of acquiring the land necessary for such
11 facilities. Federal highway funds shall not be used for the
12 reconstruction or relocation of any highway giving access
13 to a flight strip or airport, or for the reconstruction or re-
14 location of any highway which has been or may be closed or
15 the usefulness of which has been or may be impaired by the
16 location or construction of any flight strip or airport, unless
17 the officials in charge have first concurred with the State
18 highway department and the Public Roads Administration
19 in the location of such flight strip or airport.

20 SEC. 12. On any highway or street hereafter constructed
21 with Federal aid in any State, the location, form, and
22 character of informational, regulatory and warning signs,
23 curb and pavement or other markings, and traffic signals
24 installed or placed by any public authority, or other agency,
25 shall be subject to the approval of the State highway depart-

1 ment with the concurrence of the Public Roads Administra-
2 tion; and the Commissioner of Public Roads is hereby
3 directed to concur only in such installations as will promote
4 the safe and efficient utilization of the highways.

78TH CONGRESS
2^D SESSION

H. R. 4915

[Report No. 1597]

A BILL

To amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

By Mr. ROBINSON of Utah

JUNE 1, 1944

Referred to the Committee on Roads

JUNE 5, 1944

Committed to the Committee of the Whole House on the state of the Union and ordered to be printed



[COMMITTEE PRINT]

SEPTEMBER 15, 1944

Showing Amendments Recommended by the Committee

Calendar No. 1072

78TH CONGRESS
2D SESSION

S. 2105

[Report No. 1056]

IN THE SENATE OF THE UNITED STATES

AUGUST 22 (legislative day, AUGUST 15), 1944

Mr. HAYDEN, from the Committee on Post Offices and Post Roads, reported the following bill; which was read twice and placed on the calendar

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That, when used in this Act, unless the context indicates
- 4 otherwise—

1 The term "construction" means the supervising, inspect-
 2 ing, actual building, and all expenses incidental to the con-
 3 struction or reconstruction of a highway, including locating,
 4 surveying, and mapping, ~~costs of rights-of-way~~, and elimina-
 5 tion of hazards at railway-grade crossings, *but does not*
 6 *include costs of rights-of-way.*

7 The term "urban area" means an area including and
 8 adjacent to a municipality or other urban place, of five thou-
 9 sand or more, as shown by the latest available Federal census.
 10 The boundaries of urban areas, as defined herein, will be
 11 fixed by the State highway department of each State sub-
 12 ject to the approval of the Public Roads Administration.

13 The term "rural areas" means all areas of the State
 14 not included in "urban areas".

15 The term "secondary and feeder roads" means roads
 16 in rural areas, including farm-to-market roads, rural-mail
 17 routes, and school-bus routes, and not on the Federal-aid
 18 system.

19 SEC. 2. For the purpose of carrying out the provisions
 20 of the Federal Highway Act, approved November 9, 1921,
 21 as amended and supplemented, there is hereby authorized to
 22 be appropriated the sum of ~~\$1,950,000,000~~ \$1,350,000,000
 23 to become available at the rate of ~~\$650,000,000~~
 24 \$450,000,000 a year for each of three successive post-war
 25 fiscal years: *Provided*, That of the sum authorized to be

1 appropriated for the first of such fiscal years \$100,000,000
2 may be appropriated to become available immediately upon
3 apportionment of the authorization for said fiscal year for
4 the making of surveys and plans, ~~the acquisition of rights-~~
5 ~~of way,~~ and for construction: *Provided further, That except*
6 *for the sum appropriated pursuant to the preceding proviso,*
7 *no part of the funds made available pursuant to this Act*
8 *shall be used to pay costs incurred under any construction*
9 *contract entered into by any State before the beginning*
10 *of the first post-war fiscal year. The first post-war fiscal*
11 *year shall be that fiscal year which ends on June 30*
12 *following the termination of the present war emergency,*
13 *or as otherwise directed by the Congress. The authoriza-*
14 *tion for the first post-war fiscal year shall be apportioned*
15 *among the States within thirty days from the passage of this*
16 *Act. The authorizations for the second and third post-war*
17 *fiscal years shall be apportioned among the States not later*
18 *than January 1 next preceding the beginning of each*
19 *such fiscal year. As soon as the funds for each of the*
20 *post-war fiscal years have been apportioned, the Commis-*
21 *sioner of Public Roads is authorized to enter into agreements*
22 *with the State highway departments for the making of sur-*
23 *veys and plans, ~~the acquisition of rights-of-way,~~ and the post-*
24 *war construction of projects for such year. His approval of*
25 *any such agreement shall be a contractual obligation of the*

1 Federal Government for the payment of its pro rata share of
2 the cost of construction.

3 SEC. 3. The sum authorized in section 2 for each year
4 shall be available for expenditures as follows:

5 (a) ~~\$250,000,000~~ \$200,000,000 for projects on the
6 Federal-aid highway system.

7 (b) ~~\$200,000,000~~ \$125,000,000 for projects on the
8 principal secondary and feeder roads, including farm-to-
9 market roads, rural free delivery mail and public-school bus
10 routes, either outside of municipalities or inside of municipali-
11 ties of less than five thousand population: *Provided, That*
12 *these funds shall be expended on a system of such roads se-*
13 *lected by the State highway departments in cooperation with*
14 *the county supervisors, county commissioners, or other appro-*
15 *priate local road officials and the Commissioner of Public*
16 *Roads: Provided further, That in any State having a popula-*
17 *tion density of more than two hundred per square mile, as*
18 *shown by the latest available Federal census, the said system*
19 *may be selected without regard to included municipal bound-*
20 *aries: Provided further, That any of such funds for second-*
21 *ary and feeder roads which are apportioned to a State in*
22 *which all public roads and highways are under the control*
23 *and supervision of the State highway department may, if the*
24 *State highway department and the Commissioner of Public*
25 *Roads jointly agree that such funds are not needed for sec-*

1 *ondary and feeder roads, be expended for projects in such*
 2 *State on the Federal-aid highway system.*

3 (c) ~~\$200,000,000~~ \$125,000,000 for projects on the
 4 Federal-aid highway system in urban areas.

5 SEC. 4. After making the deductions for administration,
 6 research, and investigations as provided in section 21 of the
 7 Federal Highway Act of 1921, the sums authorized shall
 8 be apportioned as follows:

9 (a) The ~~\$250,000,000~~ \$200,000,000 per year available
 10 for projects on the Federal-aid highway system ~~and the~~
 11 ~~\$200,000,000~~ per year available for projects on the second-
 12 ~~ary and feeder roads shall each~~ shall be apportioned among
 13 the States as provided in section 21 of the Federal Highway
 14 Act.

15 (b) The \$125,000,000 per year available for projects
 16 on the secondary and feeder roads shall be apportioned
 17 among the States in the following manner: One-third in the
 18 ratio which the area of each State bears to the total area of
 19 all the States; one-third in the ratio which the rural population
 20 of each State bears to the total rural population of all the
 21 States, as shown by the Federal census of 1940; and one-third
 22 in the ratio which the mileage of rural delivery and star
 23 routes in each State bears to the total mileage of rural delivery
 24 and star routes in all the States.

25 ~~(b)~~ (c) The ~~\$200,000,000~~ \$125,000,000 per year

1 available for projects on highways in urban areas shall be
 2 apportioned among the States in the ratio which the popula-
 3 tion in municipalities and other urban places, of five thousand
 4 or more, in each State bears to the total population in
 5 municipalities and other urban places, of five thousand or
 6 more, in all the States as shown by the latest available
 7 Federal census.

8 ~~(e)~~ (d) As used in this section the term "State" in-
 9 cludes the District of Columbia and the Territories of Hawaii
 10 and Puerto Rico.

11 ~~(d)~~ (e) Any sums apportioned to any State under the
 12 provisions of this section shall be available for expenditure
 13 in that State for two years after the date of apportionment,
 14 and any amount so apportioned remaining unexpended at
 15 the end of such period shall lapse: *Provided*, That such
 16 funds shall be deemed to have been expended if covered
 17 by formal agreement with the Commissioner of Public
 18 Roads for the improvement of a specific project as provided
 19 by this Act.

20 SEC. 5 (a) The Federal share payable on account of
 21 any project provided for by the funds made available by this
 22 Act shall not exceed ~~60~~ 50 per centum of the *construction*
 23 cost thereof: *Provided*, That in the case of any State contain-
 24 ing unappropriated and unreserved public lands and nontax-
 25 able Indian lands, individual and tribal, exceeding 5 per

1 centum of the total area of all lands therein the Federal share
 2 shall be increased in each of the three post-war years by a
 3 percentage of the remaining cost equal to the percentage that
 4 the area of all such lands in such State is of its total area:
 5 *Provided further, That no less than 10 per centum of any*
 6 *sums apportioned to any State for projects on the Federal-*
 7 *aid highway system, for projects on secondary and feeder*
 8 *roads, and for projects in urban areas shall be available for*
 9 *projects for the elimination of hazards of highway-railway*
 10 *crossings on highways of the respective classes: ~~And pro-~~*
 11 *~~vided further, That the entire construction cost of projects~~*
 12 *~~for the elimination of hazards of railway-highway crossings~~*
 13 *~~may be paid from Federal funds, except that not more than~~*
 14 *~~50 per centum of the right-of-way and property damage~~*
 15 *~~costs, paid from public funds, on any such project, may be~~*
 16 *~~paid from Federal funds~~ And provided further, That any part*
 17 *of the construction cost of projects for the elimination of haz-*
 18 *ards of railway-highway crossings, except the part of such*
 19 *cost which is paid by the railway or railways involved, may*
 20 *be paid from Federal funds: Provided further, That no Fed-*
 21 *eral funds shall be expended on any such project unless the*
 22 *railway or railways involved pay not less than 15 per centum*
 23 *of the construction cost of such project.*

24 (b) If within any of the three post-war fiscal years
 25 referred to in this Act the Federal Works Administrator

1 shall find with respect to any State (1) that the proceeds
2 of all special taxes on motor-vehicle transportation, as re-
3 ferred to in section 12 of the Act of June 18, 1934 (48
4 Stat. 995), as amended, are applied to highway purposes
5 as defined in said section; (2) that at least 90 per centum
6 of such proceeds are applied to the administrative and oper-
7 ating expenses of the State highway department, the mainte-
8 nance of the State and Federal-aid highway systems, and
9 the payment of interest on, and the amortization of, bond
10 obligations of the State for the payment of which such reve-
11 nues have been continuously pledged since January 1, 1942;
12 (3) that the rate of none of such taxes has been reduced
13 after September 1, 1944; and (4) that the portion of the
14 proceeds of all such special taxes then available for con-
15 struction, together with funds available to the State from
16 any other sources for highway purposes, will be insufficient
17 to match all, or any part, of the funds apportioned to such
18 State for such fiscal years in accordance with the provisions
19 of this Act, then such portion of such apportionments as
20 the Federal Works Administrator shall find the State is
21 unable to match shall be made available for expenditure in
22 such State in accordance with the Federal Highway Act,
23 as amended and supplemented, without being matched by
24 the State. Any finding made by the Federal Works Ad-
25 ministrator under this subsection shall be made by him only

1 *after a full and complete investigation of the facts and*
2 *records upon which such finding is based.*

3 SEC. 6. If the Commissioner of Public Roads shall de-
4 termine that it is necessary for the expeditious completion
5 of projects undertaken pursuant to this Act, he may advance
6 to any State from funds heretofore or hereafter made avail-
7 able the Federal share of the cost thereof to enable the
8 State highway department to make prompt payments for
9 work as it progresses. The funds so advanced shall be
10 deposited in a special trust account by the State treasurer,
11 or other State official authorized under the laws of the State
12 to receive Federal-aid highway funds, to be disbursed solely
13 upon vouchers approved by the State highway department
14 for work actually performed in accordance with plans, speci-
15 fications, and estimates approved by the Public Roads Ad-
16 ministration under the provisions of this Act. Any unex-
17 pended balances of funds so advanced shall be returned to
18 the credit of the appropriation from which the funds have
19 been advanced.

20 SEC. 7. There shall be designated within the continental
21 United States a System of Interregional Highways not
22 exceeding forty thousand miles in total extent so located as
23 to connect by routes, as direct as practicable, the principal
24 metropolitan areas, cities, and industrial centers, to serve the
25 national defense, and to connect at suitable border points

1 with routes of continental importance in the Dominion of
2 Canada and the Republic of Mexico. The routes of the
3 System of Interregional Highways shall be selected by
4 joint action of the State highway departments of each State
5 and the adjoining States, as provided by the Federal High-
6 way Act of November 9, 1921, for the selection of the
7 Federal-aid system. All highways or routes included in the
8 System of Interregional Highways as finally approved,
9 if not already included in the Federal-aid highway system,
10 shall be added to said system without regard to any mileage
11 limitation.

12 SEC. 8. With the approval of the Federal Works Ad-
13 ministrator, not to exceed $1\frac{1}{2}$ per centum of the amount
14 apportioned for any year to any State under the Federal
15 Highway Act as amended and supplemented, except sec-
16 tions 3 and 23 thereof shall hereafter be used with or with-
17 out State funds for surveys, plans, engineering, and economic
18 investigations of projects for future construction in such
19 State, on the Federal-aid highway system and extensions
20 thereof within municipalities, on secondary or feeder roads,
21 urban highways or grade-crossing eliminations, and for high-
22 way research necessary in connection therewith.

23 SEC. 9. For the purpose of carrying out the provisions of
24 section 23 of the Federal Highway Act (42 Stat. 218), as
25 amended and supplemented, there is hereby authorized to be

1 appropriated (1) for forest highways the sum of \$25,000,000
2 for the first post-war year and a like amount for each of the
3 second and third post-war years; and (2) for forest develop-
4 ment roads and trails the sum of \$12,500,000 for the first
5 post-war year and a like amount for each of the second and
6 third post-war years: *Provided*, That the apportionment for
7 forest highways in Alaska shall be for each year \$1,500,000
8 and that such additional amount as otherwise would have
9 been apportioned to Alaska for each of said years shall be
10 apportioned among those States, including Puerto Rico, whose
11 forest highway apportionment for such year otherwise would
12 be less than 1 per centum of the entire apportionment for
13 forest highways for that year.

14 SEC. 10. (a) For the construction, reconstruction, im-
15 provement, and maintenance of roads and trails, inclusive of
16 necessary bridges, in national parks, monuments, and other
17 areas administered by the National Park Service, including
18 areas authorized to be established as national parks and monu-
19 ments, and national park and monument approach roads
20 authorized by the Act of January 31, 1931 (46 Stat. 1053),
21 as amended, there is hereby authorized to be appropriated
22 the sum of \$12,750,000 to become available at the rate of
23 \$4,250,000 a year for each three successive post-war years.

24 (b) For the construction and maintenance of park-
25 ways, to give access to national parks and national monu-

1 ments, or to become connecting sections of a national parkway
2 plan, over lands to which title has been transferred to the
3 United States by the States or by private individuals, there
4 is hereby authorized to be appropriated the sum of
5 \$15,000,000 to become available at the rate of \$5,000,000
6 a year for each three successive post-war years.

7 SEC. 11. The Commissioner of Public Roads is author-
8 ized, notwithstanding the provisions of any other law, to
9 cooperate with the State highway departments and any
10 Federal agency in the location, development, construction,
11 and maintenance of flight strips adjacent to public high-
12 ways, ~~or roadside development areas along such highways~~
13 *after approval of the location by the Civil Aeronautics Ad-*
14 *ministration*, in order to insure greater safety for traffic on the
15 public highways by providing additional facilities to be avail-
16 able for the landing and take-off of aircraft. When requested
17 by the State highway department, funds authorized by this
18 Act are hereby made available, in addition to any funds
19 that may be available under any other appropriation, for
20 carrying out the provisions of this section and for paying
21 all or any part of the necessary *construction* costs incurred
22 ~~therefor, including the cost of acquiring the land necessary~~
23 ~~for such facilities~~. Federal highway funds shall not be used
24 for the reconstruction or relocation of any highway giving
25 access to a flight strip or airport, or for the reconstruction or

1 relocation of any highway which has been or may be closed or
2 the usefulness of which has been or may be impaired by the
3 location or construction of any flight strip or airport, unless
4 the officials in charge have first concurred with the State
5 highway department and the Public Roads Administration
6 in the location of such flight strip or airport.

7 SEC. 12. On any highway or street hereafter constructed
8 with Federal aid in any State, the ~~location, form,~~ *form* and
9 character of informational, regulatory and warning signs,
10 curb and pavement or other markings, and traffic signals
11 installed or placed by any public authority, or other agency,
12 shall be subject to ~~the approval of~~ *a standard code approved*
13 *by* the State highway department with the concurrence of the
14 *Commissioner of Public Roads Administration;* and the Com-
15 ~~missioner of Public Roads is hereby directed to concur only~~
16 ~~in such installations as will promote the safe and efficient~~
17 ~~utilization of the highways.~~

18 SEC. 13. This Act may be cited as the "Federal-Aid
19 Highway Act of 1944".

Amend the title so as to read: "A bill to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans, and for other purposes."

[COMMITTEE PRINT]

SEPTEMBER 15, 1944

Calendar No. 1072

78TH CONGRESS
2d Session

S. 2105

[Report No. 1056]

A BILL

To amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

By Mr. HAYDEN

August 22 (legislative day, August 15), 1944

Read twice and placed on the calendar

POST-WAR FEDERAL-AID HIGHWAY ACT OF 1944

AUGUST 22 (legislative day, AUGUST 15), 1944.—Ordered to be printed

Mr. HAYDEN, from the Committee on Post Offices and Post Roads,
submitted the following

REPORT

[To accompany S. 2105]

The Committee on Post Offices and Post Roads, to whom was referred the bill (S. 2105) to amend and supplement the Federal-Aid Road Act approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes, having considered the same, report it without amendment and recommend that the bill do pass.

INTRODUCTION

The bill will accomplish the following purposes:

1. Meet the urgent need for the development of a highway program which, after the war, will overcome deficiencies in the road system, catch up on construction and reconstruction deferred during the emergency, and meet the Nation's anticipated transportation requirements.
2. Recognize the necessity for prompt action by Congress in order that the States may cooperate in such a program. In 1945 the legislatures of 45 States will meet in biennial session. Only if national policy is clearly established in this field, and if the extent of Federal aid is indicated, can the States make full progress in meeting the complex legal, financial, and engineering problems which must be solved in advance if the post-war program is to be soundly planned.
3. Preserve intact the principle of Federal-aid which has characterized road legislation for nearly three decades by allocating funds among the States by formula, matched by State funds, and administered by the Public Roads Administration in a coordinate relationship with the States.

4. Encourage the continuance of competitive bidding on construction and major reconstruction projects under the private contract system.

5. Establish a definite classification of road systems so that improvements will be made on a selective basis to meet transportation needs.

6. Take into consideration the employment situation which may exist after the war, and mindful of the needs of men returning from military service, the bill enables the States, acting jointly with the Federal Government, to build up a shelf of essential road projects which can be undertaken during the reconversion period. The capacity of the highway program to provide useful jobs, both on the site of the improvements and in supply industries, was demonstrated in pre-war years when approximately one-half of all public works were road-improvement projects.

7. Authorize for the 3 post-war years the annual expenditure for highway purposes of sums of money from the Federal Treasury approximately equal to the taxes collected by the Federal Government from gasoline and motor vehicles so that the practical effect will be that those who use the roads will pay for constructing and improving them.

8. Provide for the enactment of all necessary post-war highway legislation in a single comprehensive measure.

The terms of the bill are more particularly set forth below.

DEFINITIONS

Section 1 of the bill redefines the term "construction" to include locating, surveying, mapping, cost of right-of-way, and elimination of hazards at railway grade crossings. It also defines urban and rural areas and secondary and feeder roads.

AUTHORIZATION OF APPROPRIATIONS

Section 2 authorizes the appropriation of \$1,950,000,000 to become available at the rate of \$650,000,000 a year for each 3 successive post-war fiscal years. It provides for the apportionment of the funds authorized for each year; the first \$650,000,000 to be apportioned within 30 days of the passage of the act and to be immediately available for contractual obligation by agreement between the Commissioner of Public Roads and the State highway departments for the preparation of plans, acquisition of rights-of-way, and for the post-war construction of projects. Of that sum \$100,000,000 may be appropriated to become immediately available. Likewise, the authorization for the 2 remaining post-war fiscal years are made available for contractual obligation following apportionment.

APPORTIONMENT FORMULA

Section 3 provides that the funds authorized for each of the 3 post-war fiscal years shall be apportioned upon a dual basis. The sums of \$250,000,000 to be made available each year for projects on the Federal-aid highway system and of \$200,000,000 for secondary or feeder roads will be divided among the States as provided by existing law which gives equal weight to the factors of population, area, and

post-road mileage. The \$200,000,000 for annual expenditure on highways in urban areas will be apportioned among the States on the basis of the population residing within municipalities or other urban places of 5,000 or more, as shown for each State by the Federal census. The adoption of population as the sole factor in this instance gives recognition to the great need for expensive construction due to heavy traffic in metropolitan areas.

The following table shows the approximate amount that each State would receive annually under S. 2105:

Approximate apportionment of \$650,000,000 for Federal-aid highway system and farm-to-market roads, in accordance with sec. 21 of the Federal-Aid Highway Act, and urban highways, in the ratio of population of cities of 5,000 or more in each State to the population of such cities

State	Federal-aid highway system	Farm-to-market roads	Total	Urban highways	Total
Alabama.....	\$5,233,000	\$4,187,000	\$9,420,000	\$2,097,000	\$11,517,000
Arizona.....	3,591,000	2,873,000	6,464,000	422,000	6,886,000
Arkansas.....	4,284,000	3,427,000	7,711,000	698,000	8,409,000
California.....	10,013,000	8,011,000	18,024,000	13,066,000	31,090,000
Colorado.....	4,491,000	3,593,000	8,084,000	1,502,000	9,586,000
Connecticut.....	1,551,000	1,241,000	2,792,000	3,176,000	5,968,000
Delaware.....	1,219,000	975,000	2,194,000	328,000	2,522,000
Florida.....	3,591,000	2,873,000	6,464,000	2,573,000	9,037,000
Georgia.....	6,274,000	5,020,000	11,294,000	2,609,000	13,903,000
Idaho.....	3,090,000	2,472,000	5,562,000	341,000	5,903,000
Illinois.....	9,842,000	7,874,000	17,716,000	15,300,000	33,016,000
Indiana.....	6,008,000	4,806,000	10,814,000	4,932,000	15,746,000
Iowa.....	6,203,000	4,962,000	11,165,000	2,561,000	13,726,000
Kansas.....	6,297,000	5,037,000	11,334,000	1,781,000	13,115,000
Kentucky.....	4,667,000	3,734,000	8,401,000	2,091,000	10,492,000
Louisiana.....	3,734,000	2,987,000	6,721,000	2,464,000	9,185,000
Maine.....	2,165,000	1,732,000	3,897,000	902,000	4,799,000
Maryland.....	2,035,000	1,628,000	3,663,000	2,880,000	6,543,000
Massachusetts.....	3,268,000	2,615,000	5,883,000	10,638,000	16,521,000
Michigan.....	7,596,000	6,076,000	13,672,000	9,141,000	22,813,000
Minnesota.....	6,727,000	5,381,000	12,108,000	3,549,000	15,657,000
Mississippi.....	4,489,000	3,591,000	8,080,000	965,000	9,045,000
Missouri.....	7,402,000	5,922,000	13,324,000	5,069,000	18,393,000
Montana.....	5,052,000	4,041,000	9,093,000	495,000	9,588,000
Nebraska.....	4,977,000	3,982,000	8,959,000	1,259,000	10,218,000
Nevada.....	3,188,000	2,551,000	5,739,000	98,000	5,837,000
New Hampshire.....	1,219,000	975,000	2,194,000	764,000	2,958,000
New Jersey.....	3,183,000	2,546,000	5,729,000	8,893,000	14,622,000
New Mexico.....	4,036,000	3,229,000	7,265,000	414,000	7,679,000
New York.....	12,044,000	9,636,000	21,680,000	30,205,000	51,885,000
North Carolina.....	6,027,000	4,822,000	10,849,000	2,401,000	13,250,000
North Dakota.....	3,728,000	2,982,000	6,710,000	345,000	7,055,000
Ohio.....	8,783,000	7,026,000	15,809,000	12,129,000	27,938,000
Oklahoma.....	5,647,000	4,517,000	10,164,000	2,169,000	12,333,000
Oregon.....	4,144,000	3,315,000	7,459,000	1,304,000	8,763,000
Pennsylvania.....	10,215,000	8,172,000	18,387,000	16,919,000	35,306,000
Rhode Island.....	1,219,000	975,000	2,194,000	1,807,000	4,001,000
South Carolina.....	3,385,000	2,708,000	6,093,000	1,032,000	7,145,000
South Dakota.....	3,924,000	3,139,000	7,063,000	357,000	7,420,000
Tennessee.....	5,296,000	4,237,000	9,533,000	2,563,000	12,096,000
Texas.....	15,832,000	12,666,000	28,498,000	7,181,000	35,679,000
Utah.....	2,813,000	2,250,000	5,063,000	698,000	5,761,000
Vermont.....	1,219,000	975,000	2,194,000	299,000	2,493,000
Virginia.....	4,570,000	3,656,000	8,226,000	2,399,000	10,625,000
Washington.....	3,935,000	3,148,000	7,083,000	2,361,000	9,444,000
West Virginia.....	2,745,000	2,196,000	4,941,000	1,299,000	6,240,000
Wisconsin.....	6,017,000	4,814,000	10,831,000	4,270,000	15,101,000
Wyoming.....	3,110,000	2,488,000	5,598,000	214,000	5,812,000
Hawaii.....	1,219,000	975,000	2,194,000	633,000	2,827,000
District of Columbia.....	1,219,000	975,000	2,194,000	1,845,000	4,039,000
Puerto Rico.....	1,234,000	987,000	2,221,000	1,342,000	3,563,000
Reserved for administration and engineering.....	6,250,000	5,000,000	11,250,000	5,000,000	16,250,000
Total.....	250,000,000	200,000,000	450,000,000	200,000,000	650,000,000

FEDERAL-AID HIGHWAY SYSTEM, FARM-TO-MARKET ROADS, HIGHWAYS
IN URBAN AREAS

Section 4 divides the amount authorized for each year into 3 categories: (a) \$250,000,000 for projects on the Federal-aid highway system; (b) \$200,000,000 for projects on the principal secondary and feeder roads, including farm-to-market roads, rural free delivery, and public-school bus routes, either outside of municipalities or inside of municipalities of less than 5,000 population; (c) \$200,000,000 for projects on the principal highways in urban areas on the Federal-aid highway system.

This section also provides for the selection of a secondary or feeder road system, including farm-to-market roads, rural free delivery mail, and public-school bus routes, by the State highway departments in cooperation with the appropriate local road officials, including county supervisors and county commissioners, and of the Commissioner of Public Roads.

For the first time Federal aid for improvements on the Federal-aid highway system in urban areas is given specific recognition by setting aside funds solely for that work. Testimony before the committee clearly indicated the desirability and necessity of providing Federal aid for projects in urban areas where traffic bottlenecks create acute congestion and costly construction is required to provide relief from such conditions. Bypasses of cities alone will not cure the difficulty because traffic studies have demonstrated that the great bulk of travel is destined for sections well inside the cities.

PERIOD OF AVAILABILITY

Section 4 (d) makes the funds available for 2 years and provides that any funds that are not taken up through agreement with the Commissioner of Public Roads during this period of availability, will lapse.

MATCHING FUNDS

Section 5 makes the funds authorized available to pay 60 percent of the cost of any project. It also continues the so-called sliding scale of participation in the States which have certain public lands exceeding 5 percent of the total area of the State.

It provides further that the entire cost of projects for the elimination of hazards of railway-highway crossings may be paid from Federal funds, but restricts to 50 percent the Federal participation in the costs of right-of-way and property damage on such projects.

Testimony submitted to the committee indicated that many States would have difficulty in matching Federal aid on the normal 50-50 basis because of great reduction in their revenues due to gasoline rationing and rubber conservation. The States will also have very heavy expenditures to make in rehabilitating highways which they have been unable to reconstruct during the war and heavy maintenance on roads on which they have been unable to provide adequate maintenance. For these reasons the Federal contribution should be increased to 60 percent.

ADVANCE OF FEDERAL FUNDS

Section 6 provides for the advancing of Federal funds to the State highway departments to be set up in a special trust account and used only in paying for work performed on the Federal-aid projects provided for in the bill. As some of the States may not have cash readily available to assume the full cost of projects while waiting for Federal reimbursement, the setting up of such trust funds by advancing a part of a State's apportionment will insure prompt payment to contractors as the work is accomplished.

A similar provision was carried in the Defense Highway Act and with the approval of the General Accounting Office and the Treasury Department a similar procedure was followed in the expenditure of the emergency funds provided under the National Industrial Recovery Act.

INTERREGIONAL HIGHWAYS

Section 7 provides for the designation of a system of interregional highways of not to exceed 40,000 miles so located as to serve the national defense and to connect by routes as direct as practicable the principal metropolitan areas, cities, and industrial centers. The designation of such a system is in line with the recommendation made by the Commissioner of Public Roads in a report made to Congress pursuant to the provisions of section 5 of the act of July 13, 1943.

HIGHWAY PLANNING SURVEYS

Section 8 continues the provisions under which the State-wide highway planning surveys were conducted and permits the highway research necessary in connection with the planning of future construction with Federal-aid highway funds. The facts and information developed by these planning surveys have been of very great assistance in solving highway transport problems directly related to the war effort. The committee believes that it is important that this work be continued and the information kept up to date.

FOREST ROADS AND TRAILS

Section 9 provides for a resumption of the highway work in the national forests following the war. Except for access roads to sources of critical materials necessary to the war effort, highway construction in the national forests has practically ceased since the war. A 3-year post-war highway program is provided for by an authorization of \$25,000,000 a year for forest highways and \$12,500,000 a year for forest development roads and trails. The apportionment for forest highways in Alaska is limited to \$1,500,000 for each of the post-war years, and the funds that would otherwise be apportioned to Alaska are to be divided among those States whose apportionment would otherwise be less than 1 percent.

Approximate apportionment between States of forest highway funds in S. 2105

State	Apportionment of \$25,000,000	Reapportionment of \$726,125 from Alaska to States with less than 1 percent of total apportionment	Final apportionment of \$25,000,000
Alabama.....	\$71,950	\$23,726	\$95,676
Alaska.....	2,226,125	-726,125	1,500,000
Arizona.....	1,441,425		1,441,425
Arkansas.....	332,475		332,475
California.....	3,554,825		3,554,825
Colorado.....	1,817,125		1,817,125
Florida.....	145,925	48,120	194,045
Georgia.....	87,475	28,845	116,320
Idaho.....	2,555,750		2,555,750
Illinois.....	28,750	9,481	38,231
Indiana.....	11,850	3,908	15,758
Iowa.....	825	272	1,097
Kentucky.....	49,500	16,322	65,822
Louisiana.....	56,375	18,590	74,965
Maine.....	9,400	3,100	12,500
Michigan.....	236,975	78,144	315,119
Minnesota.....	332,125		332,125
Mississippi.....	112,175	36,991	149,166
Missouri.....	120,475	39,727	160,202
Montana.....	1,991,400		1,991,400
Nebraska.....	23,725	7,823	31,548
Nevada.....	455,025		455,025
New Hampshire.....	133,400	43,990	177,390
New Mexico.....	1,013,525		1,013,525
North Carolina.....	141,125	46,537	187,662
North Dakota.....	75	25	100
Ohio.....	10,325	3,405	13,730
Oklahoma.....	16,225	5,350	21,575
Oregon.....	3,405,925		3,405,925
Pennsylvania.....	66,700	21,995	88,695
Puerto Rico.....	6,850	2,259	9,109
South Carolina.....	80,125	26,422	106,547
South Dakota.....	198,050	65,308	263,358
Tennessee.....	82,300	27,139	109,439
Texas.....	80,750	26,628	107,378
Utah.....	838,550		838,550
Vermont.....	33,450	11,030	44,480
Virginia.....	160,575	52,951	213,526
Washington.....	1,749,575		1,749,575
West Virginia.....	100,250	33,058	133,308
Wisconsin.....	136,400	44,979	181,379
Wyoming.....	1,084,150		1,084,150
Grand total.....	25,000,000		25,000,000

PARK ROADS AND TRAILS

Section 10 (a) provides an authorization of \$4,250,000 a year for each 3 successive post-war years for roads and trails within the national parks and monuments and approach roads thereto.

PARKWAYS

Section 10 (b) provides for the construction and maintenance of parkways to give access to national parks and monuments and authorizes an appropriation of \$5,000,000 a year for each 3 successive post-war years. Construction of roads in the national parks and construction of parkways has been regularly authorized in previous Federal-aid highway legislation and this provision will permit the resumption of such work after the war.

FLIGHT STRIPS ADJACENT TO PUBLIC HIGHWAYS

Section 11 authorizes the Commissioner of Public Roads to cooperate with the State highway departments and any Federal agency in the location, development, construction, and maintenance of flight strips to insure greater safety for traffic on the public highways and to provide needed facilities for the landing and take-off of aircraft. Funds authorized in the act when requested by the State highway departments are made available for this work. Consultation of officials who are responsible for the construction of airports or flight strips with the State highway departments and the Public Roads Administration is required if Federal funds are to be used for the reconstruction or relocation of any highway giving access to such airport or flight strip.

UNIFORM TRAFFIC SIGNALS

Section 12 makes a desirable start in the direction of uniformity of traffic signals, signs, and markings by directing the Commissioner of Public Roads to concur only in such installations on Federal-aid projects as will promote the safe and efficient utilization of the highways.

Section 13 provides for a short title to the bill.

TEXT OF THE BILL

The text of the bill as reported to the Senate is as follows:

[S. 2105, 78th Cong., 2d sess.]

A BILL To amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, when used in this Act, unless the context indicates otherwise—

The term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping, costs of rights-of-way, and elimination of hazards at railway-grade crossings.

The term "urban area" means an area including and adjacent to a municipality or other urban place, of five thousand or more, as shown by the latest available Federal census. The boundaries of urban areas, as defined herein, will be fixed by the State highway department of each State subject to the approval of the Public Roads Administration.

The term "rural areas" means all areas of the State not included in "urban areas".

The term "secondary and feeder roads" means roads in rural areas, including farm-to-market roads, rural-mail routes, and school-bus routes, and not on the Federal-aid system.

SEC. 2. For the purpose of carrying out the provisions of the Federal Highway Act, approved November 9, 1921, as amended and supplemented, there is hereby authorized to be appropriated the sum of \$1,950,000,000 to become available at the rate of \$650,000,000 a year for each of three successive post-war fiscal years: *Provided*, That of the sum authorized to be appropriated for the first of such fiscal years \$100,000,000 may be appropriated to become available immediately upon apportionment of the authorization for said fiscal year for the making of surveys and plans, the acquisition of rights-of-way, and for construction. The first post-war fiscal year shall be that fiscal year which ends on June 30 following the termination of the present war emergency, or as otherwise directed by the Congress. The authorization for the first post-war fiscal year shall be apportioned among the States within thirty days from the passage of this Act. The

authorizations for the second and third post-war fiscal years shall be apportioned among the States not later than January 1 next preceding the beginning of each such fiscal year. As soon as the funds for each of the post-war fiscal years have been apportioned, the Commissioner of Public Roads is authorized to enter into agreements with the State highway departments for the making of surveys and plans, the acquisition of rights-of-way, and the post-war construction of projects for such year. His approval of any such agreement shall be a contractual obligation of the Federal Government for the payment of its pro rata share of the cost of construction.

SEC. 3. The sum authorized in section 2 for each year shall be available for expenditures as follows:

(a) \$250,000,000 for projects on the Federal-aid highway system.

(b) \$200,000,000 for projects on the principal secondary and feeder roads, including farm-to-market roads, rural free delivery mail and public-school bus routes, either outside of municipalities or inside of municipalities of less than five thousand population; *Provided*, That these funds shall be expended on a system of such roads selected by the State highway departments in cooperation with the county supervisors, county commissioners, or other appropriate local road officials and the Commissioner of Public Roads.

(c) \$200,000,000 for projects on the Federal-aid highway system in urban areas.

SEC. 4. After making the deductions for administration, research, and investigations as provided in section 21 of the Federal Highway Act of 1921, the sums authorized shall be apportioned as follows:

(a) The \$250,000,000 per year available for projects on the Federal-aid highway system and the \$200,000,000 per year available for projects on the secondary and feeder roads shall each be apportioned among the States as provided in section 21 of the Federal Highway Act.

(b) The \$200,000,000 per year available for projects on highways in urban areas shall be apportioned among the States in the ratio which the population in municipalities and other urban places, of five thousand or more, in each State bears to the total population in municipalities and other urban places, of five thousand or more, in all the States as shown by the latest available Federal census.

(c) As used in this section the term "State" includes the District of Columbia and the Territories of Hawaii and Puerto Rico.

(d) Any sums apportioned to any State under the provisions of this section shall be available for expenditure in that State for two years after the date of apportionment, and any amount so apportioned remaining unexpended at the end of such period shall lapse; *Provided*, That such funds shall be deemed to have been expended if covered by formal agreement with the Commissioner of Public Roads for the improvement of a specific project as provided by this Act.

SEC. 5. The Federal share payable on account of any project provided for by the funds made available by this Act shall not exceed 60 per centum of the cost thereof; *Provided*, That in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein the Federal share shall be increased in each of the three post-war years by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area; *Provided further*, That no less than 10 per centum of any sums apportioned to any State for projects on the Federal-aid highway system, for projects on secondary and feeder roads, and for projects in urban areas shall be available for projects for the elimination of hazards of highway-railway crossings on highways of the respective classes; *And provided further*, That the entire construction cost of projects for the elimination of hazards of railway-highway crossings may be paid from Federal funds, except that not more than 50 per centum of the right-of-way and property damage costs, paid from public funds, on any such project, may be paid from Federal funds.

SEC. 6. If the Commissioner of Public Roads shall determine that it is necessary for the expeditious completion of projects undertaken pursuant to this Act, he may advance to any State from funds heretofore or hereafter made available the Federal share of the cost thereof to enable the State highway department to make prompt payments for work as it progresses. The funds so advanced shall be deposited in a special trust account by the State treasurer, or other State official authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for work actually performed in accordance with plans, specifications, and estimates approved by the Public Roads Administration under the provisions of this

Act. Any unexpended balances of funds so advanced shall be returned to the credit of the appropriation from which the funds have been advanced.

SEC. 7. There shall be designated within the continental United States a System of Interregional Highways not exceeding forty thousand miles in total extent so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of the System of Interregional Highways shall be selected by joint action of the State highway departments of each State and the adjoining States, as provided by the Federal Highway Act of November 9, 1921, for the selection of the Federal-aid highway system. All highways or routes included in the System of Interregional Highways as finally approved, if not already included in the Federal-aid highway system, shall be added to said system without regard to any mileage limitation.

SEC. 8. With the approval of the Federal Works Administrator, not to exceed $1\frac{1}{2}$ per centum of the amount apportioned for any year to any State under the Federal Highway Act as amended and supplemented, except sections 3 and 23 thereof, shall hereafter be used with or without State funds for surveys, plans, engineering, and economic investigations of projects for future construction in such State, on the Federal-aid highway system and extensions thereof within municipalities, on secondary or feeder roads, urban highways, or grade-crossing eliminations, and for highway research necessary in connection therewith.

SEC. 9. For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), as amended and supplemented, there is hereby authorized to be appropriated (1) for forest highways the sum of \$25,000,000 for the first post-war year and a like amount for each of the second and third post-war years; and (2) for forest development roads and trails the sum of \$12,500,000 for the first post-war year and a like amount for each of the second and third post-war years: *Provided*, That the apportionment for forest highways in Alaska shall be for each year \$1,500,000 and that such additional amount as otherwise would have been apportioned to Alaska for each of said years shall be apportioned among those States, including Puerto Rico, whose forest highway apportionment for such year otherwise would be less than 1 per centum of the entire apportionment for forest highways for that year.

SEC. 10. (a) For the construction, reconstruction, improvement, and maintenance of roads and trails, inclusive of necessary bridges, in national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of \$12,750,000 to become available at the rate of \$4,250,000 a year for each three successive post-war years.

(b) For the construction and maintenance of parkways, to give access to national parks and national monuments, or to become connecting sections of a national parkway plan, over lands to which title has been transferred to the United States by the States or by private individuals, there is hereby authorized to be appropriated the sum of \$15,000,000 to become available at the rate of \$5,000,000 a year for each three successive post-war years.

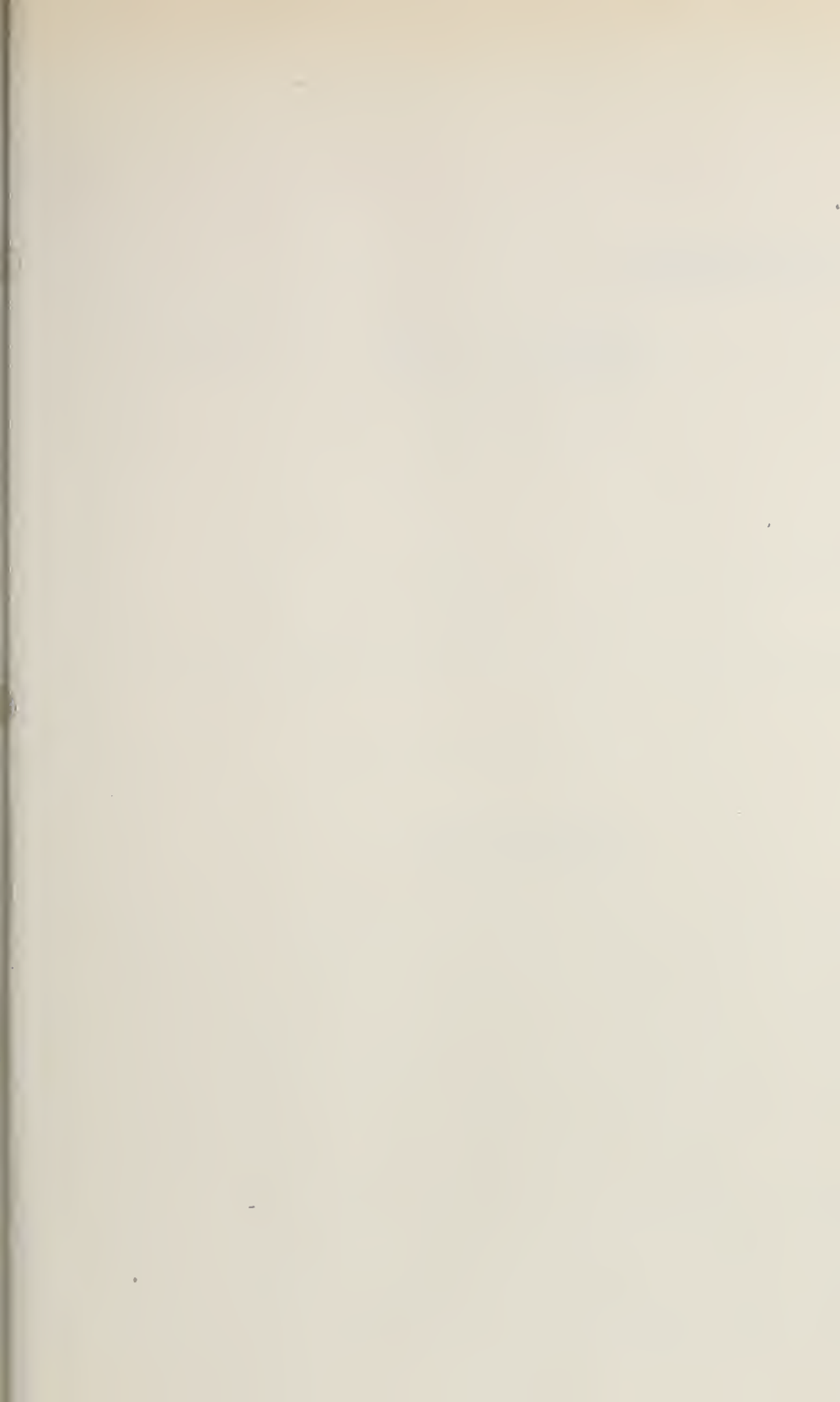
SEC. 11. The Commissioner of Public Roads is authorized, notwithstanding the provisions of any other law, to cooperate with the State highway departments and any Federal agency in the location, development, construction, and maintenance of flight strips adjacent to public highways, or roadside development areas along such highways, in order to insure greater safety for traffic on the public highways by providing additional facilities to be available for the landing and take-off of aircraft. When requested by the State highway department, funds authorized by this Act are hereby made available, in addition to any funds that may be available under any other appropriation, for carrying out the provisions of this section and for paying all or any part of the necessary costs incurred therefor, including the cost of acquiring the land necessary for such facilities. Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to a flight strip or airport, or for the reconstruction or relocation of any highway which has been or may be closed or the usefulness of which has been or may be impaired by the location or construction of any flight strip or airport, unless the officials in charge have first concurred with the State

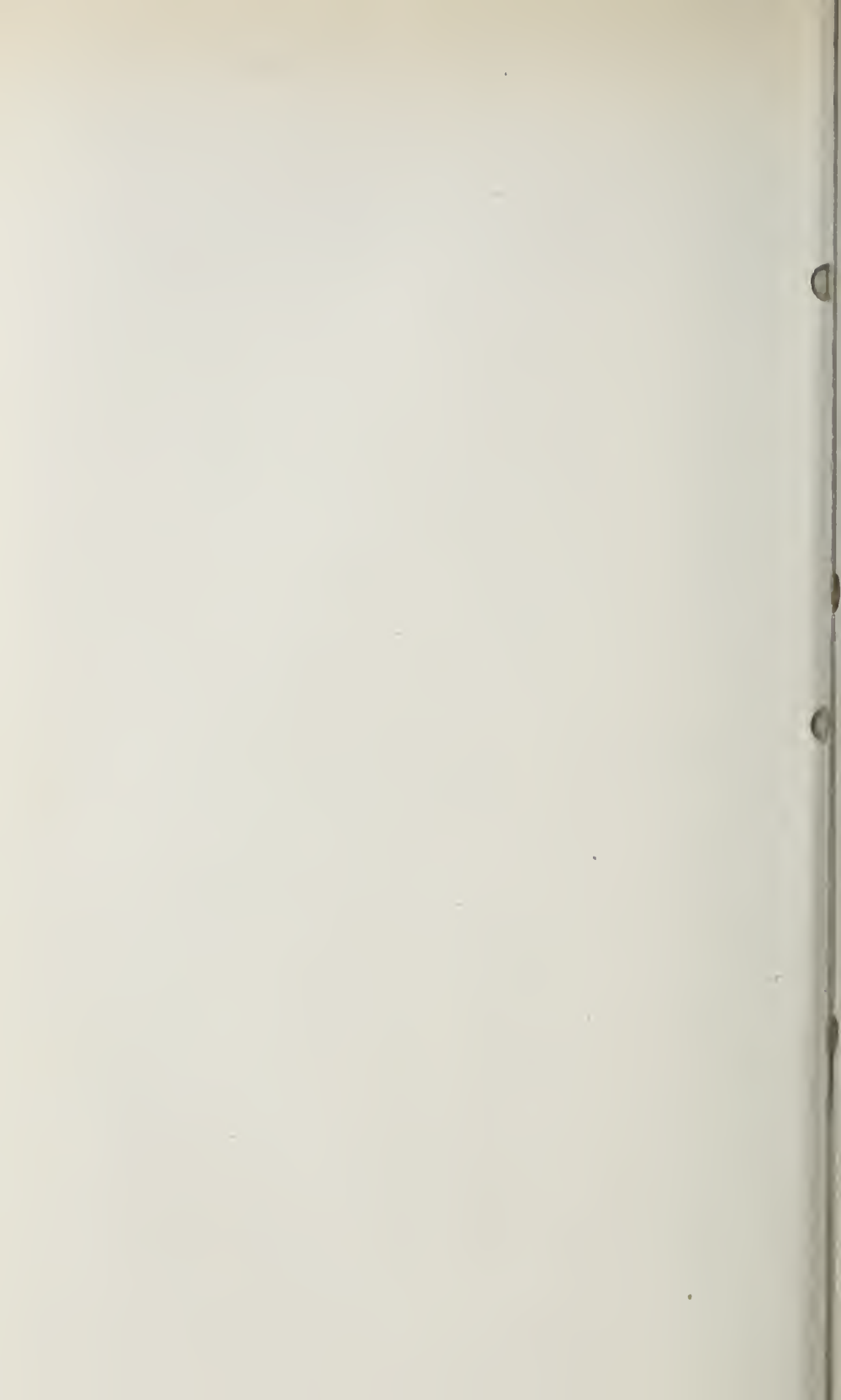
highway department and the Public Roads Administration in the location of such flight strip or airport.

SEC. 12. On any highway or street hereafter constructed with Federal aid in any State, the location, form, and character of informational, regulatory and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority, or other agency, shall be subject to the approval of the State highway department with the concurrence of the Public Roads Administration; and the Commissioner of Public Roads is hereby directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

SEC. 13. This Act may be cited as the "Federal-Aid Highway Act of 1944".

○





Calendar No. 1072

78TH CONGRESS
2D SESSION

S. 2105

[Report No. 1056]

IN THE SENATE OF THE UNITED STATES

AUGUST 22 (legislative day, AUGUST 15), 1944

Mr. HAYDEN, from the Committee on Post Offices and Post Roads, reported the following bill; which was read twice and placed on the calendar

A BILL

To amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, when used in this Act, unless the context indicates
4 otherwise—

5 The term “construction” means the supervising, inspect-
6 ing, actual building, and all expenses incidental to the con-
7 struction or reconstruction of a highway, including locating,

1 surveying, and mapping, costs of rights-of-way, and elimina-
2 tion of hazards at railway-grade crossings.

3 The term "urban area" means an area including and
4 adjacent to a municipality or other urban place, of five thou-
5 sand or more, as shown by the latest available Federal census.
6 The boundaries of urban areas, as defined herein, will be
7 fixed by the State highway department of each State sub-
8 ject to the approval of the Public Roads Administration.

9 The term "rural areas" means all areas of the State
10 not included in "urban areas".

11 The term "secondary and feeder roads" means roads
12 in rural areas, including farm-to-market roads, rural-mail
13 routes, and school-bus routes, and not on the Federal-aid
14 system.

15 SEC. 2. For the purpose of carrying out the provisions
16 of the Federal Highway Act, approved November 9, 1921,
17 as amended and supplemented, there is hereby authorized to
18 be appropriated the sum of \$1,950,000,000 to become avail-
19 able at the rate of \$650,000,000 a year for each of three
20 successive post-war fiscal years: *Provided*, That of the sum
21 authorized to be appropriated for the first of such fiscal years
22 \$100,000,000 may be appropriated to become available im-
23 mediately upon apportionment of the authorization for said
24 fiscal year for the making of surveys and plans, the acquisi-
25 tion of rights-of-way, and for construction. The first post-

1 war fiscal year shall be that fiscal year which ends on June
2 30 following the termination of the present war emergency,
3 or as otherwise directed by the Congress. The authoriza-
4 tion for the first post-war fiscal year shall be apportioned
5 among the States within thirty days from the passage of this
6 Act. The authorizations for the second and third post-war
7 fiscal years shall be apportioned among the States not later
8 than January 1 next preceding the beginning of each
9 such fiscal year. As soon as the funds for each of the
10 post-war fiscal years have been apportioned, the Commis-
11 sioner of Public Roads is authorized to enter into agreements
12 with the State highway departments for the making of sur-
13 veys and plans, the acquisition of rights-of-way, and the post-
14 war construction of projects for such year. His approval of
15 any such agreement shall be a contractual obligation of the
16 Federal Government for the payment of its pro rata share of
17 the cost of construction.

18 SEC. 3. The sum authorized in section 2 for each year
19 shall be available for expenditures as follows:

20 (a) \$250,000,000 for projects on the Federal-aid high-
21 way system.

22 (b) \$200,000,000 for projects on the principal second-
23 ary and feeder roads, including farm-to-market roads, rural
24 free delivery mail and public-school bus routes, either outside
25 of municipalities or inside of municipalities of less than five

1 thousand population: *Provided*, That these funds shall be
2 expended on a system of such roads selected by the State
3 highway departments in cooperation with the county super-
4 visors, county commissioners, or other appropriate local
5 road officials and the Commissioner of Public Roads.

6 (c) \$200,000,000 for projects on the Federal-aid high-
7 way system in urban areas.

8 SEC. 4. After making the deductions for administration,
9 research, and investigations as provided in section 21 of the
10 Federal Highway Act of 1921, the sums authorized shall
11 be apportioned as follows:

12 (a) The \$250,000,000 per year available for projects
13 on the Federal-aid highway system and the \$200,000,000
14 per year available for projects on the secondary and feeder
15 roads shall each be apportioned among the States as provided
16 in section 21 of the Federal Highway Act.

17 (b) The \$200,000,000 per year available for projects
18 on highways in urban areas shall be apportioned among
19 the States in the ratio which the population in municipalities
20 and other urban places, of five thousand or more, in each
21 State bears to the total population in municipalities and
22 other urban places, of five thousand or more, in all the States
23 as shown by the latest available Federal census.

24 (c) As used in this section the term "State" includes

1 the District of Columbia and the Territories of Hawaii and
2 Puerto Rico.

3 (d) Any sums apportioned to any State under the
4 provisions of this section shall be available for expenditure
5 in that State for two years after the date of apportionment,
6 and any amount so apportioned remaining unexpended at
7 the end of such period shall lapse: *Provided*, That such
8 funds shall be deemed to have been expended if covered
9 by formal agreement with the Commissioner of Public
10 Roads for the improvement of a specific project as provided
11 by this Act.

12 SEC. 5. The Federal share payable on account of any
13 project provided for by the funds made available by this
14 Act shall not exceed 60 per centum of the cost thereof:
15 *Provided*, That in the case of any State containing unap-
16 propriated and unreserved public lands and nontaxable
17 Indian lands, individual and tribal, exceeding 5 per centum
18 of the total area of all lands therein the Federal share shall
19 be increased in each of the three post-war years by a per-
20 centage of the remaining cost equal to the percentage that
21 the area of all such lands in such State is of its total area:
22 *Provided further*, That no less than 10 per centum of any
23 sums apportioned to any State for projects on the Federal-
24 aid highway system, for projects on secondary and feeder

1 roads, and for projects in urban areas shall be available for
2 projects for the elimination of hazards of highway-railway
3 crossings on highways of the respective classes: *And pro-*
4 *vided further,* That the entire construction cost of projects
5 for the elimination of hazards of railway-highway crossings
6 may be paid from Federal funds, except that not more than
7 50 per centum of the right-of-way and property damage
8 costs, paid from public funds, on any such project, may be
9 paid from Federal funds.

10 SEC. 6. If the Commissioner of Public Roads shall de-
11 termine that it is necessary for the expeditious completion
12 of projects undertaken pursuant to this Act, he may advance
13 to any State from funds heretofore or hereafter made avail-
14 able the Federal share of the cost thereof to enable the
15 State highway department to make prompt payments for
16 work as it progresses. The funds so advanced shall be
17 deposited in a special trust account by the State treasurer,
18 or other State official authorized under the laws of the State
19 to receive Federal-aid highway funds, to be disbursed solely
20 upon vouchers approved by the State highway department
21 for work actually performed in accordance with plans, speci-
22 fications, and estimates approved by the Public Roads Ad-
23 ministration under the provisions of this Act. Any unex-
24 pended balances of funds so advanced shall be returned to

1 the credit or the appropriation from which the funds have
2 been advanced.

3 SEC. 7. There shall be designated within the continental
4 United States a System of Interregional Highways not
5 exceeding forty thousand miles in total extent so located as
6 to connect by routes, as direct as practicable, the principal
7 metropolitan areas, cities, and industrial centers, to serve the
8 national defense, and to connect at suitable border points
9 with routes of continental importance in the Dominion of
10 Canada and the Republic of Mexico. The routes of the
11 System of Interregional Highways shall be selected by
12 joint action of the State highway departments of each State
13 and the adjoining States, as provided by the Federal High-
14 way Act of November 9, 1921, for the selection of the
15 Federal-aid system. All highways or routes included in the
16 System of Interregional Highways as finally approved,
17 if not already included in the Federal-aid highway system,
18 shall be added to said system without regard to any mileage
19 limitation.

20 SEC. 8. With the approval of the Federal Works Ad-
21 ministrator, not to exceed $1\frac{1}{2}$ per centum of the amount
22 apportioned for any year to any State under the Federal
23 Highway Act as amended and supplemented, except sec-
24 tions 3 and 23 thereof shall hereafter be used with or with-

1 out State funds for surveys, plans, engineering, and economic
2 investigations of projects for future construction in such
3 State, on the Federal-aid highway system and extensions
4 thereof within municipalities, on secondary or feeder roads,
5 urban highways or grade-crossing eliminations, and for high-
6 way research necessary in connection therewith.

7 SEC. 9. For the purpose of carrying out the provisions of
8 section 23 of the Federal Highway Act (42 Stat. 218), as
9 amended and supplemented, there is hereby authorized to be
10 appropriated (1) for forest highways the sum of \$25,000,000
11 for the first post-war year and a like amount for each of the
12 second and third post-war years; and (2) for forest develop-
13 ment roads and trails the sum of \$12,500,000 for the first
14 post-war year and a like amount for each of the second and
15 third post-war years: *Provided*, That the apportionment for
16 forest highways in Alaska shall be for each year \$1,500,000
17 and that such additional amount as otherwise would have
18 been apportioned to Alaska for each of said years shall be
19 apportioned among those States, including Puerto Rico, whose
20 forest highway apportionment for such year otherwise would
21 be less than 1 per centum of the entire apportionment for
22 forest highways for that year.

23 SEC. 10. (a) For the construction, reconstruction, im-
24 provement, and maintenance of roads and trails, inclusive of

1 necessary bridges, in national parks, monuments, and other
2 areas administered by the National Park Service, including
3 areas authorized to be established as national parks and monu-
4 ments, and national park and monument approach roads
5 authorized by the Act of January 31, 1931 (46 Stat. 1053),
6 as amended, there is hereby authorized to be appropriated
7 the sum of \$12,750,000 to become available at the rate of
8 \$4,250,000 a year for each three successive post-war years.

9 (b) For the construction and maintenance of park-
10 ways, to give access to national parks and national monu-
11 ments, or to become connecting sections of a national parkway
12 plan, over lands to which title has been transferred to the
13 United States by the States or by private individuals, there
14 is hereby authorized to be appropriated the sum of
15 \$15,000,000 to become available at the rate of \$5,000,000
16 a year for each three successive post-war years.

17 SEC. 11. The Commissioner of Public Roads is author-
18 ized, notwithstanding the provisions of any other law, to
19 cooperate with the State highway departments and any
20 Federal agency in the location, development, construction,
21 and maintenance of flight strips adjacent to public high-
22 ways, or roadside development areas along such highways,
23 in order to insure greater safety for traffic on the public
24 highways by providing additional facilities to be available

1 for the landing and take-off of aircraft. When requested by
2 the State highway department, funds authorized by this
3 Act are hereby made available, in addition to any funds
4 that may be available under any other appropriation, for
5 carrying out the provisions of this section and for paying
6 all or any part of the necessary costs incurred therefor, in-
7 cluding the cost of acquiring the land necessary for such
8 facilities. Federal highway funds shall not be used for the
9 reconstruction or relocation of any highway giving access
10 to a flight strip or airport, or for the reconstruction or re-
11 location of any highway which has been or may be closed or
12 the usefulness of which has been or may be impaired by the
13 location or construction of any flight strip or airport, unless
14 the officials in charge have first concurred with the State
15 highway department and the Public Roads Administration
16 in the location of such flight strip or airport.

17 SEC. 12. On any highway or street hereafter constructed
18 with Federal aid in any State, the location, form, and
19 character of informational, regulatory and warning signs,
20 curb and pavement or other markings, and traffic signals
21 installed or placed by any public authority, or other agency,
22 shall be subject to the approval of the State highway depart-
23 ment with the concurrence of the Public Roads Administra-
24 tion; and the Commissioner of Public Roads is hereby

1 directed to concur only in such installations as will promote
2 the safe and efficient utilization of the highways.

3 SEC. 13. This Act may be cited as the "Federal-Aid
4 Highway Act of 1944".

S. 2105

[Report No. 1056]

A BILL

To amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

By Mr. HAYDEN

AUGUST 22 (legislative day, AUGUST 15), 1944

Read twice and placed on the calendar

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued September 9, 1944, for actions of Friday, September 8, 1944)

(For staff of the Department only)

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SENATE

1. ORGANIC ACT OF 1944. Agreed to Sen. Russell's (Ga.) motion to recede from the Senate amendments regarding FSA, school-lunch program, and AAA-tobacco. Sens. Bushfield, S. Dak., Russell, Ga., and Aiken, Vt., discussed the medical-aid program. (pp. 7713, 7724-5.)
2. FEDERAL-AID ROAD ACT. Sen. Tydings, Md., submitted two amendments which he intends to propose to S. 2105, to amend the Federal-Aid Road Act to authorize appropriations for the post-war construction of highways and bridges (pp. 7706-7).
Sen. Capper, Kans., inserted letters from the Farm Bureau and the National Grange "pointing out several objections to" S. 2105 in its present form, including the apportionment of funds and the ratio for road construction as between urban and rural areas (pp. 7712-3).
3. FLOOD CONTROL. Sen. Aiken, Vt., submitted an amendment which he intends to propose to H. R. 4485, the Whittington flood-control bill, which would eliminate the proposed construction of a dam on the West River, Vt. (p. 7707).
4. PERSONNEL; RETIREMENT. Unanimous consent was given for the 23rd annual report of the Board of Actuaries of the Civil Service Retirement ^{and} Disability Fund to be printed as a document (S. Doc. 233) (p. 7707).
5. TAXATION. Sen. Connally, Tex., received unanimous consent to insert the convention between the U. S. and Canada for the avoidance of double taxation and the prevention of fiscal evasion in the case of estate taxes and succession duties (pp. 7707-8).
6. TRANSPORTATION. Sen. Moore, Okla., criticized the Government's antitrust suit against the railroads (pp. 7725-6).
7. RUBBER. Sen. Brooks, La., urged post-war synthetic-rubber production and stated, "These international manipulators would destroy America's newest home industry to revive the pre-war British-Dutch cartel which controlled rubber prices" (pp. 7716-8).

8. MAIL. Passed without amendment H. R. 4780, to fix the fees for domestic insured mail and collect-on-delivery mail, special delivery mail, and special delivery service (p. 7727). This bill will now be sent to the President.
9. PUBLIC LANDS and Surveys Committee reported without amendment H. R. 5025, to allow credit in connection with the lease or sale of small tracts of homestead entries for military and naval service rendered during World War II (p. 7706).
10. ADJOURNED until Tues., Sept. 12 (p. 7728). Majority Leader Barkley announced that the conference reports on H. R. 5125, the surplus-property disposal bill, and S. 2065, the demobilization-reconversion bill, may be ready for Senate action Tues. or Wed. of next week (p. 7715).

HOUSE

NOT IN SESSION...Next meeting Mon., Sept. 11.

BILLS INTRODUCED

N. Dak.,

11. ELECTRIFICATION. By Sen. Langer, S. 2140, to provide for disposition of electric power generated at Fort Peck Dam, Mont. To Commerce Committee. Remarks of author concerning the need of farmers in that area for electricity. (p. 7706.)
12. TRANSPORTATION. By Andrews, Fla., S. Con. Res. 49, to establish a Joint Overseas Inter-American Highway Committee of Congress to investigate, in collaboration with proper officials of other American countries traversed by said highway, and report to Congress their recommendations as to the most practical route, and approximate costs to each nation, of a route from Key West to Puerto Rico, including overseas ferries. To Foreign Relations Committee. Remarks of author. (pp. 7708-10.)

ITEMS IN APPENDIX

13. EDUCATION. Sen. Hill, Ala., inserted Dr. Howard A. Dawson's address favoring Federal aid to States for public education (pp. A4257-8).
14. A.A.A. Sen. Barkley, Ky., inserted a Cumberland County (Ky.) AAA letter commending the AAA program in Ky. (p. A4266).
15. TRANSPORTATION. Extension of remarks of Sen. Shipstead, Minn., including a Minneapolis Morning Tribune editorial criticizing the Government's anti-trust ^{railroad} suit against/rate-fixing procedures and including Wendell Berge's letter justifying the Government's action (pp. A4258-9).
Extension of remarks of Sen. Johnson, Colo., including several editorials criticizing the Government's anti-trust suit against railroads' rate-fixing procedures (pp. A4259-61).
Sen. Barkley, Ky., inserted a St. Louis Globe-Democrat editorial favoring post-war Federal-aid road legislation (p. A4271).
16. PERSONNEL; EMPLOYMENT. Sen. Walsh, N. H., inserted C. Harley Grattan's article recommending the expansion of service industries, including Government service, as a means of creating post-war jobs (pp. A4270-1).
17. TENNESSEE VALLEY AUTHORITY. Sens. Hill (Ala.) and Kefauver (Tenn.) inserted editorials describing the late Sen. Norris' part in the development of TVA (pp. A4266-8, A4273-5).

S. 2105

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8 (legislative day, SEPTEMBER 1), 1944

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. TYDINGS (by request) to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes, viz:

- 1 On page 3, line 17, after "cost of construction" insert
- 2 the following: "*Provided, however, That the Commissioner*
- 3 of Public Roads shall not, as a condition of approval of any
- 4 project for Federal aid hereunder, require any State to
- 5 acquire title to or control of any marginal land along the pro-
- 6 posed highway in addition to that reasonably necessary for
- 7 road surfaces, median strips, gutters, ditches, and side-
- 8 slopes."

AMENDMENT

Intended to be proposed by Mr. Tammes to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

SEPTEMBER 8 (legislative day, SEPTEMBER 1), 1944
Ordered to lie on the table and to be printed



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 78th CONGRESS, SECOND SESSION

Please return to

LEGISLATIVE REPORTS AND SERVICE SECTION

Office of Budget and Finance

Vol. 90

WASHINGTON, FRIDAY, SEPTEMBER 8, 1944

No. 145

House of Representatives

The House was not in session today. Its next meeting will be held on Monday, September 11, 1944, at 12 o'clock noon.

Senate

FRIDAY, SEPTEMBER 8, 1944

(Legislative day of Friday, September 1, 1944)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O God, whose spirit searcheth all things and whose love seeketh us even through pain and loss, incline our hearts to draw near to Thee in sincerity and truth. We do not ask that Thou shouldst give heed to the poverty and pettiness of petitions that may spring out of the perversions of our warped desires. But we beseech Thee to hear and answer the deep cry of our inner need. The contradictions of our strange natures and the perplexities of these dark times drive us to Thee; for our very prayers are fashioned in the agony of times that try our faith, our patience, and our very souls. Give us to see that the one shining thing we can offer to a warring world is just a soul sensitive to goodness and beauty, rich in expanding human relationships; holding sacred the sacrament of friendship; capable of devotions, of quiet heroisms and in high hours of flaming sacrifices: a self at any cost to be kept true to sacred birthrights, to be perfected through suffering and disciplined in the ripening experiences of life. So may our illumined powers yield their devotion to Thy kingdom and Thy light be shed through us upon the dark places of the earth, that the habitations of violence may be destroyed and that to human misery and wrong there may come oil of joy for sadness and beauty for ashes.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the cal-

endar day Tuesday, September 5, 1944, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Perry, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4114. An act to amend section 3 (b) of Public, 49, Seventy-eighth Congress, first session (War Overtime Pay Act of 1943); and

H. R. 4918. An act to provide for the payment to certain Government employees for accumulated or accrued annual leave due upon their separation from Government service.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 5181) to provide a method for compensating certain individuals for damages sustained as the result of the explosions at Port Chicago, Calif., and it was signed by the Acting President pro tempore.

ERNIE PYLE

Mr. HATCH. Mr. President, a man small in stature, frail in physical strength, but strong in will went forth to the battle fronts of World War No. 2. Not in the uniform of a soldier—he was too old for that—but armed with his typewriter he braved the dangers of battle—a real fighting man. Those dangers he faced that he might give us through the daily press a true picture of warfare as he saw and experienced it.

His was no casual inspection trip. He actually lived with our fighting men. On their transports, in their camps, at their mess, and sharing their dangers, he became the friend and companion of privates and generals upon equal terms with all.

It is no wonder the name of Ernie Pyle is spoken with genuine affection by our men everywhere. It is unnecessary to refer to the great stories he daily cabled the Scripps-Howard papers for which he writes. America has already evidenced her choice of him as her favorite war correspondent, even as the men overseas acclaim him friend.

Today, Ernie is tired. In a few poignant paragraphs he writes:

This is the last of these columns from Europe. By the time you read this the old man will be on his way back to America. After that will come a long, long rest. And after the rest—well, you never can tell.

Undoubtedly this seems to you to be a funny time for a fellow to be quitting the war. It is a funny time. But I'm not leaving because of a whim, or even especially because I'm homesick. I'm leaving for one reason only—because I have just got to stop. "I've had it," as they say in the Army. I have had all I can take for a while.

I've been 29 months overseas since this war started; have written around 700,000 words about it; have totaled nearly a year in the front lines.

I do hate terribly to leave right now, but I have given out. I've been immersed in it too long. My spirit is wobbly and my mind is confused. The hurt has finally become too great.

All of a sudden it seemed to me that if I heard one more shot or saw one more dead man I would go off my nut. And if I had to write one more column I'd collapse. So I'm on my way.

It may be that a few months of peace will restore some vim to my spirit, and I can go war horsing off to the Pacific. We'll see what a little New Mexico sunshine does along that line.

So Ernie is coming home to rest in the sunshine and health-giving atmosphere of New Mexico. It is well that he has so decided. The months spent on the firing line require the change he now contemplates. Personally I regret his leaving the war just on the eve of victory, that victory which he has truly helped to win. But as one of his admirers and as a New Mexican, I am glad he is returning to our State where the sunshine and wonderful climate will fully heal war's cruel hurt.

In the city of Albuquerque, in the shadows of the Sandias, Ernie Pyle will find rest and ease far from the horrors of war. But if I know him, the placid calm and peaceful atmosphere will not be long for him.

When the Battle of Europe is over and the Pacific war increases in might and fury, I predict "the old man" will again grab his faithful typewriter, and, with scent of battle in his nostrils, will go "war horsing" to some far distant island to write again and give us those vivid daily paragraphs which describe as only he can describe the conditions under which our sons fight and die, that the sons of all men may be free.

Without regard to what the future may hold, I take this opportunity to express my own appreciation of his truly great work, a task which he has performed bravely and magnificently. New Mexico will be glad to welcome Ernie Pyle home again.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ELLENDER, from the Committee on Claims:

S. 1853. A bill for the relief of Dr. Frank K. Boland, Sr.; with an amendment (Rept. No. 1081).

By Mr. HATCH, from the Committee on Public Lands and Surveys:

S. 1062. A bill to authorize certain employees of the General Land Office to administer or take oaths, affirmations, affidavits, or depositions in the performance of their official duties; without amendment (Rept. No. 1082);

H. R. 3384. A bill to authorize the Secretary of the Interior to accept property for the Moores Creek National Military Park, and for other purposes; without amendment (Rept. No. 1083); and

H. R. 5025. A bill to allow credit in connection with certain homestead entries for military or naval service rendered during World War No. 2; without amendment (Rept. No. 1084).

By Mr. HATCH (for Mr. O'MAHONEY), from the Committee on Public Lands and Surveys:

S. 2111. A bill to provide for the extension of certain oil and gas leases; without amendment (Rept. No. 1085).

By Mr. HATCH (for Mr. WILLIS), from the Committee on Public Lands and Surveys:

S. 1807. A bill authorizing and directing the Secretary of the Interior to convey certain land to the city of Duluth, Minn.; with amendments (Rept. No. 1086).

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMAS of Utah:

S. 2134. A bill to amend the Mustering-Out Payment Act of 1944, to provide a method for

accomplishing certain mustering-out payments on behalf of mentally disabled veterans, and for other purposes; to the Committee on Military Affairs.

By Mr. SHIPSTEAD:

S. 2135. A bill for the relief of Mrs. Susanna Gimm; to the Committee on Pensions.

By Mr. BROOKS:

S. 2136. A bill for the relief of the city of Beardstown, Ill.; to the Committee on Claims.

By Mr. THOMAS of Oklahoma:

S. 2137. A bill to provide for naming the lake formed by waters of the Red River impounded by Denison Dam; to the Committee on the Library.

S. 2138. A bill to make retroactive as of June 1942 the increase in the purchase prices paid by the Procurement Division of the Treasury Department on and after January 14, 1943, for class A used nonportable typewriters to be used by the armed forces, and to provide for payment of such increase in prices to all persons, firms, and corporations who sold such typewriters to the Procurement Division of the Treasury Department prior to January 14, 1943; to the Committee on Expenditures in the Executive Departments.

By Mr. MOORE:

S. 2139. A bill to repeal the act of June 26, 1936 (49 Stat. L. 1967); to the Committee on Indian Affairs.

(Mr. LANGER introduced Senate bill 2140, which was referred to the Committee on Commerce, and appears under a separate heading.)

By Mr. ANDREWS:

S. 2141. A bill to provide for the acceptance and protection by the United States of property within the authorized boundaries of the Everglades National Park project, Florida, pending the establishment of the park, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. BYRD:

S. J. Res. 150. Joint resolution making an appropriation to pay the necessary expenses of the inaugural ceremonies of the President of the United States, January 20, 1945; to the Committee on Appropriations.

By Mr. HAYDEN:

S. J. Res. 151. Joint resolution authorizing the erection on public grounds in Springerville, Ariz., of a memorial to Gustav Becker; to the Committee on Public Buildings and Grounds.

ELECTRIC POWER GENERATED AT FORT PECK DAM, MONT.

Mr. LANGER. Mr. President, various bills are pending for the distribution of the water in the Missouri River Basin. Personally, I like the Murray M. V. A. bill the best of those that are pending. However, it may be years before that project involving hundreds of millions of dollars is completed.

It is my belief that the farmers in North Dakota, Montana, South Dakota, and other Missouri River Basin States, should not be deprived of the enormous amount of electrical power that is now going to waste at Fort Peck. Only seven farmers out of every hundred in North Dakota have rural electrification. Contrast that to Japan, often described as a barbaric country, where 95 farmers out of every hundred have rural electrification.

I believe that every farmer who wants cheap electricity and power for his farm should get it at cost, and I hope to see the day soon when every farmer in North Dakota and Montana and South Dakota and other Missouri River Basin States will have that electricity and power from Fort Peck. The dam is built; the power is there; the farmers and their wives should long, long ago have had electricity

and power made available to them under the provisions of such a bill as that proposing to create the Missouri Valley Power Administration.

Every farmer will have electricity and power made available to him shortly after the war is over, and the materials needed for the building of transmission lines are available.

That, Mr. President, is what is provided for in the bill I am about to introduce. I urge that the bill be referred to the Committee on Agriculture and Forestry, and I request that the chairman appoint a subcommittee promptly so that if this war should end within the next 4 or 5 weeks, as we all fervently hope and pray it may, the manpower coming back may be immediately used in the building of these lines.

Certainly all of us who have seen the hard, slaving drudgery of farm life, especially as it affects the women folk, know what a welcome boon it will be to the women and how much, too, it will mean to everyone living on these farms.

I hope that the Administrator will see to it that power and light are supplied as soon as possible to every farmer in North Dakota, South Dakota, Montana, and neighboring States in the Missouri Valley Basin.

Mr. President, I ask consent to introduce with request that it be referred to the Committee on Agriculture and Forestry, the bill which I have mentioned during the course of my remarks.

The ACTING PRESIDENT pro tempore (Mr. McKellar). Without objection, the bill introduced by the Senator from North Dakota will be received; the Chair thinks a more appropriate reference would be to the Committee on Commerce, and the bill will be so referred.

The bill (S. 2140) to provide for disposition of electric power generated at Fort Peck Dam, Mont., was read twice by its title and referred to the Committee on Commerce.

HOUSE BILLS REFERRED

The following bills were read twice by their titles and referred to the Committee on Civil Service:

H. R. 4114. An Act to amend section 3 (b) of Public, 49, Seventy-eighth Congress, first session (War Overtime Pay Act of 1943); and

H. R. 4918. An Act to provide for the payment to certain Government employees for accumulated or accrued annual leave due upon their separation from Government service.

FEDERAL-AID FOR POST-WAR HIGHWAY CONSTRUCTION—AMENDMENTS

Mr. TYDINGS submitted an amendment intended to be proposed by him to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes, which was ordered to lie on the table and be printed.

Mr. TYDINGS also (by request) submitted an amendment intended to be proposed by him to Senate bill 2105,

supra, which was ordered to lie on the table and to be printed.

RIVER AND HARBOR FLOOD-CONTROL WORKS—AMENDMENT

Mr. AIKEN. Mr. President, I ask consent to submit an amendment which I intend to propose to House bill 4485 authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes, and ask to have it printed.

The ACTING PRESIDENT pro tempore. Without objection, the amendment will be received, lie on the table, and be printed.

Mr. AIKEN. Mr. President, the amendment would eliminate from the bill authorization for the construction of a dam near the mouth of the West River in Vermont. I wish it to be understood that in submitting the amendment I am not expressing opposition to the flood-control bill as a whole or to the general program of flood control. In the case of the dam proposed for the West River, however, in my opinion the amount of benefit derived would be far exceeded by the damage caused by the destruction of one of New England's finest and potentially richest valleys. It is most unfortunate that there is insistence upon this particular dam when by constructing three or four smaller dams the same amount of protection could be afforded the people living in the Connecticut Valley, and also protection for the people living in the West River Valley itself.

I wish to say further that when the flood-control bill is taken up for action I shall oppose the committee amendment on page 10, which reads as follows:

Provided, further, That none of the dams herein authorized for the Connecticut River Basin shall be utilized for the generation of hydroelectric power.

Undoubtedly there may be constructed some dams from which the development of electric power will not be warranted, but at other dams power may be developed for the benefit of the communities where they are located. I feel that we should not include in any flood-control program a rigid restriction against the development of power.

INFANTILE PARALYSIS AND ENCEPHALITIS—AMENDMENT

Mr. LANGER. Mr. President, I ask consent to submit an amendment in the nature of a substitute, which I intend to propose to Senate Joint Resolution 147, which I introduced last week, to provide for the general welfare by investigations into the causes and cures of infantile paralysis and encephalitis.

I may state briefly that of the \$10,000,000 proposed to be appropriated by the joint resolution the amendment would provide that \$1,000,000 shall be used for the establishment in the District of Columbia of an infantile paralysis clinic to be operated by Sister Elizabeth Kenny under the supervision of the Surgeon General of the Public Health Service.

My whole idea is, Mr. President, that all the forces that are now combating infantile paralysis shall be united in one strong unified fight against infantile paralysis and encephalitis.

The ACTING PRESIDENT pro tempore. Without objection, the amendment submitted by the Senator from North Dakota will be received, referred to the Committee on Education and Labor, and printed.

TWENTY-THIRD ANNUAL REPORT OF BOARD OF ACTUARIES OF THE CIVIL SERVICE RETIREMENT AND DISABILITY FUND (S. DOC. NO. 233)

The ACTING PRESIDENT pro tempore. In his capacity as a Senator, the present occupant of the chair, on behalf of the Senator from California [Mr. DOWNEY], asks unanimous consent that the report of the Board of Actuaries of the Civil Service Commission transmitted to the Senate on August 15, 1944, be printed as a Senate document. The Chair understands it has been the custom to print such reports when received. Is there objection?

There being no objection, the report was ordered to be printed as a Senate document.

REMOVAL OF BAN OF SECRECY FROM DOUBLE TAXATION CONVENTION WITH CANADA

Mr. CONNALLY. Mr. President, I ask unanimous consent, as in executive session, that the ban of secrecy be removed from Executive G, Seventy-eighth Congress, second session, a convention between the United States of America and Canada for the avoidance of double taxation and the prevention of fiscal evasion in the case of estate taxes and succession duties, signed in Ottawa on June 8, 1944.

The ACTING PRESIDENT pro tempore. Without objection, and, as in executive session, it is so ordered.

The convention was made public, as follows:

The Government of the United States of America and the Government of Canada, being desirous of avoiding double taxation and of preventing fiscal evasion in the case of estate taxes and succession duties, have decided to conclude a Convention and for that purpose have appointed as their Plenipotentiaries:

Ray Atherton, Ambassador Extraordinary and Plenipotentiary of the United States of America at Ottawa, for the United States of America; and

W. L. Mackenzie King, Secretary of State for External Affairs, and Colin W. G. Gibson, Minister of National Revenue, for Canada. Who, having communicated to one another their full powers found in good and due form, have agreed upon the following Articles:

ARTICLE I

1. The taxes referred to in this Convention are:

(a) for the United States of America; the Federal estate taxes;

(b) for Canada; the taxes imposed under the Dominion Succession Duty Act.

2. In the event of appreciable changes in the fiscal laws of either contracting State, the competent authorities of the contracting States will consult together.

ARTICLE II

1. Real property situated in Canada shall be exempt from the application of the taxes imposed by the United States of America.

2. Real property situated in the United States of America shall be exempt from the application of the taxes imposed by Canada.

3. The question whether rights relating to or secured by real property are to be consid-

ered as real property for the purposes of this Convention shall be determined in accordance with the laws of the contracting State imposing the tax.

ARTICLE III

1. Shares in a corporation organized in or under the laws of the United States of America, of any of the states or territories of the United States of America, or of the District of Columbia, shall be deemed to be property situated within the United States of America.

2. Shares in a corporation organized in or under the laws of Canada, or of any of the provinces or territories of Canada, shall be deemed to be property situated within Canada.

3. This Article shall not be construed as limiting the liability of the estate of any person not domiciled in Canada or of any citizen of the United States of America, under the estate tax laws of the United States of America.

ARTICLE IV

1. The situs of property shall be determined in accordance with the laws of the contracting State imposing the tax, except as otherwise provided in this Convention.

2. Allowance for debts shall be determined in accordance with the laws of the contracting State imposing the tax.

3. Domicile shall be determined in accordance with the laws of the contracting State imposing the tax.

ARTICLE V

1. In the case of a decedent who at the time of his death was a citizen of, or domiciled in, the United States of America, the United States of America may include in the gross estate any property (other than real property) situated in Canada as though this Convention had not come into effect.

2. In the case of a decedent (other than a citizen of the United States of America) who at the time of his death was domiciled in Canada, the United States of America shall, in imposing the taxes to which this Convention relates:

(a) take into account only property situated in the United States of America; and

(b) allow as an exemption an amount which bears the same ratio to the personal exemption allowed in the case of a decedent who was at the time of his death a citizen of, or domiciled in, the United States of America as the value of the property of such decedent situated in the United States of America bears to the value of the property included in the entire gross estate of the decedent.

3. In the case of a decedent who at the time of his death was domiciled in Canada, Canada may include in the gross estate any property (other than real property) situated in the United States of America as though this Convention had not come into effect.

4. In the case of a decedent who at the time of his death was domiciled in the United States of America, Canada shall, in imposing the taxes to which this Convention relates:

(a) take into account only property situated in Canada; and

(b) allow as an exemption an amount which bears the same ratio to the personal exemption allowed in the case of a decedent who was at the time of his death domiciled in Canada as the value of the property of such decedent situated in Canada bears to the entire value of the property, wherever situated.

ARTICLE VI

1. In the case of a decedent who at the time of his death was a citizen of or domiciled in the United States of America, the United States of America shall impose the estate taxes to which this Convention relates upon the following conditions:

(a) In respect of property situated in Canada which, for the purpose of estate taxes,

is included in the gross estate, less such property as is specifically deducted therefrom (either because of transfer for public, charitable, educational, religious or similar uses or because the property has been previously taxed under provisions of law relating to property previously taxed), there shall be allowed against the estate taxes a credit for Canadian succession taxes in respect of the property situated in Canada, the situs of such property being determined in accordance with the laws of Canada, subject to the provisions of this Convention.

(b) The portion of the Canadian succession taxes to be allowed as a credit against United States estate taxes shall be an amount which bears the same ratio to the total Canadian succession taxes as the value of the property situated in Canada and with respect to which estate taxes are imposed by the United States of America bears to the total value of the property with respect to which succession taxes are imposed by Canada.

(c) The credit in any such case shall not exceed an amount which bears the same ratio to such estate taxes, computed without the credit provided for herein, as the value of the property situated in Canada and not excluded or deducted from the gross estate as provided in (a) bears to the value of the entire gross estate.

(d) The values referred to in (c) are the values determined by the United States of America for the purpose of estate taxes.

(e) The credit provided for herein shall apply after the application of section 813 (b) of the Internal Revenue Code, as amended by the Revenue Act of 1942.

2. In the case of a decedent who at the time of his death was domiciled in Canada, Canada shall impose the succession taxes to which this Convention relates upon the following conditions:

(a) In respect of property situated in the United States of America which, for the purpose of succession taxes, is included in the gross estate, less such property as is specifically deducted therefrom (because of transfer for charitable, educational, religious or similar uses), there shall be allowed against the succession taxes a credit for United States estate taxes in respect of the property situated in the United States of America, the situs of such property being determined in accordance with the laws of the United States of America, subject to the provisions of this Convention.

(b) The portion of the United States estate taxes to be allowed as a credit against Canadian succession taxes shall be an amount which bears the same ratio to the total United States estate taxes as the value of the property situated in the United States of America and with respect to which succession taxes are imposed by Canada bears to the total value of the property with respect to which estate taxes are imposed by the United States of America.

(c) The credit in any such case shall not exceed an amount which bears the same ratio to such succession taxes, computed without the credit provided for herein, as the value of the property situated in the United States of America and not excluded or deducted from the gross estate as provided in (a) bears to the entire value of the property, wherever situated.

(d) The values referred to in (c) are the values determined by Canada for the purpose of succession taxes.

3. (a) The credit referred to in this Article may be allowed by the United States of America if claim therefor is filed within the periods provided in section 813 (b) of the Internal Revenue Code, as amended.

(b) The credit referred to in this Article may be allowed by Canada if claim therefor is filed within the period provided by subsection 4 of section 35 of the Dominion Succession Duty Act relating to refund of overpayment.

(c) A refund based on the credit may be made if a claim therefor is filed within the respective periods above provided.

(d) Any refund based on the provisions of this Article or any other provisions of this Convention shall be made without interest.

ARTICLE VII

1. With a view to the prevention of fiscal evasion each of the contracting States undertakes to furnish to the other contracting State as provided in the succeeding Articles of this Convention, the information which its competent authorities have at their disposal or are in a position to obtain under its revenue laws in so far as such information may be of use to the authorities of the other contracting State in the assessment of the taxes to which this Convention relates.

2. The information to be furnished under this Article, whether in the ordinary course or on request, may be exchanged directly between the competent authorities of the two contracting States.

ARTICLE VIII

1. The Commissioner shall notify the Minister as soon as practicable when the Commissioner ascertains that in the case of:

(a) a decedent, any part of whose estate is subject to the Federal estate tax laws, there is property of such decedent situated in Canada;

(b) a decedent domiciled in Canada, any part of whose estate is subject to the Dominion Succession Duty Act, there is property of such decedent situated in the United States of America.

2. The Minister shall notify the Commissioner as soon as practicable when the Minister ascertains that in the case of:

(a) a decedent, any part of whose estate is subject to the Dominion Succession Duty Act, there is property of such decedent situated in the United States of America;

(b) a decedent domiciled in the United States of America, any part of whose estate is subjected to the Federal estate tax laws, there is property of such decedent situated in Canada.

ARTICLE IX

1. If the Minister deems it necessary to obtain the cooperation of the Commissioner in determination of the succession tax liability of any person, the Commissioner may, upon request, furnish the Minister such information bearing upon the matter as the Commissioner is entitled to obtain under the revenue laws of the United States of America.

2. If the Commissioner deems it necessary to obtain the cooperation of the Minister in the determination of the estate tax liability of any person, the Minister may, upon request, furnish the Commissioner such information bearing upon the matter as the Minister is entitled to obtain under the revenue laws of Canada.

ARTICLE X

The competent authorities of the contracting States may:

(a) prescribe regulations to carry into effect this Convention within the respective States and rules with respect to the exchange of information;

(b) if doubt arises, settle questions of interpretation or application of this Convention by mutual agreement;

(c) communicate with each other directly for the purpose of giving effect to the provisions of this Convention.

ARTICLE XI

If any fiduciary or beneficiary can show that double taxation has resulted or may result in respect of the taxes to which this Convention relates, such fiduciary or beneficiary shall be entitled to lodge a claim or protest with the State of citizenship or domicile of such fiduciary or beneficiary, or, if a corporation or other entity, with the State in which created or organized. If the claim or

protest should be deemed worthy of consideration, the competent authority of such State may consult with the competent authority of the other State to determine whether the alleged double taxation exists or may occur and if so whether it may be avoided in accordance with the terms of this Convention.

ARTICLE XII

The provisions of this Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance accorded by the laws of one of the contracting States in the determination of the tax imposed by such State.

ARTICLE XIII

1. As used in this Convention:

(a) The term "Minister" means the Minister of National Revenue of Canada or his duly authorized representative.

(b) The term "Commissioner" means the Commissioner of Internal Revenue of the United States of America, or his duly authorized representative.

(c) The term "competent authority" or "competent authorities" means the Commissioner and the Minister and their duly authorized representatives.

2. When used in a geographical sense:

(a) The term "United States of America" includes only the states, the Territory of Alaska, the Territory of Hawaii, and the District of Columbia.

(b) The term "Canada" means the provinces, the territories and Sable Island.

ARTICLE XIV

1. This Convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

2. This Convention shall be deemed to have come into effect on the fourteenth day of June, 1941. It shall continue in effect for a period of five years from that date and indefinitely after that period, but may be terminated by either of the contracting States at the end of the five year period or at any time thereafter provided that at least six months prior notice of termination has been given.

Done in duplicate, at Ottawa, this eighth day of June, 1944.

RAY AHERTON.

W. L. MACKENZIE KING.

COLIN GIBSON.

OVERSEAS INTER-AMERICAN HIGHWAY FROM KEY WEST, FLA.

Mr. ANDREWS. Mr. President, ceremonies were held recently at Key West celebrating the completion of the overseas highway from the mainland of Florida to the island of Key West. A large part of the causeway portion of the Florida East Coast Railway extending to Key West was destroyed or so badly damaged as a railway by the big hurricane of 1935, that permission was granted to abandon it. Soon thereafter, there was established under Florida statutes, the overseas highway district, which issued bonds with which, together with aid provided from the State of Florida and the Federal Government, it purchased, for less than \$1,000,000 that portion of the Florida East Coast Railroad extending from the mainland to Key West. The original construction had cost over \$60,000,000. Some of the finest engineering was required to construct this overseas highway on top of steel bridges and reinforced concrete piers. This highway, although not completed until this year, aided greatly in our war effort during the submarine menace, which hovered

tinguished Flying Cross, Soldier's Medal, Bronze Star Medal, Air Medal, Purple Heart, and bronze service stars (battle participation stars).

4. Parenthood credit, which gives credit for each dependent child under 18 years up to a limit of three children.

The value of the point credits will be announced after the cessation of hostilities in Europe. In the meantime, the point values will be kept under continuous study. The total score will be used to select surplus men from the theaters overseas and in the United States. The score also will be used when a certain portion of all these surplus men will be declared nonessential and returned to civilian life.

In all cases, however, the demands of military necessity and the needs of the war against Japan must first be met. Regardless of a man's priority standing, certain types of personnel can never become surplus as long as the war against Japan continues.

As an example of how the plan will work, assume that there are four infantry divisions in the European theater. One is declared surplus. Men in all four divisions are rated according to the priority credit scores. The top fourth is selected and those not essential for retention in service by reason of military necessity are designated as surplus. Men in the surplus division who are marked for retention by reason of military necessity are then shifted into the active divisions. All of the men designated as surplus are shifted into the surplus divisions, which now will serve as a vehicle for eventually returning them to the United States.

No man in a unit that remains in service can become surplus until a qualified replacement is available. If military necessity should entail the immediate transfer of a unit to the Pacific, there may conceivably be no time to apply the plan to men of that unit before the emergency transfer is made. Consideration will be given these men when they arrive in the new theater.

The active units needed against Japan will be shipped to the Pacific. Those units required for occupation duty in Europe will be sent to their stations, and surplus units will be returned to the United States as quickly as possible.

In the United States, the men of these surplus units will revert to a surplus pool in the Army Ground Forces, Army Service Forces, and Army Air Forces. These surplus pools will include surplus men from all overseas theaters and surplus men from the continental United States.

From these surplus pools the reduction of various types of Army personnel will be made. The number to be returned to civilian life as no longer essential to over-all Army needs will be chosen from among those with the highest priority credit scores.

It is emphasized that the rate of return of surplus men from overseas will depend upon the number of ships available. Thousands of ships will be required to supply the Pacific theater. The Pacific theater will have No. 1 priority. All else must wait. To it will be transported millions of fighting men, millions of tons of landing barges, tanks, planes, guns, ammunition, and food, over longer supply lines than those to Europe.

This means that most of the ships and planes that were used to supply the European theater will be needed to supply the Pacific theater. The majority of ships proceeding to Europe will continue on to the Pacific laden with troops and supplies for that distant campaign. Very few will turn around and come back to the United States. The Army, therefore, will not be able to return all surplus men to the United States immediately. It may take many months.

While the process of selecting and returning men from the European theater is taking place, the plan for readjustment and partial demobilization also will be applied

in active theaters, like the southwest Pacific. Individuals in those theaters will be declared surplus to the extent that replacements can be provided. Naturally, since the Pacific will be the only active theater, there will be no surplus units of any type. Military requirements there will demand an increase rather than a decrease in fighting units. Nevertheless, troops in the Pacific area will benefit by the reduction of the Army, not as units, but as individuals.

Commanders in the Pacific area will be told the number and types of men who can be replaced. They then will select these men, using the same standards as apply in inactive theaters and in the United States. These men then will be returned to the United States as rapidly as replacements of the same type become available and as the military situation permits.

As an example: Normally there will be a great flow of men needed to build up and maintain an offensive against Japan, but say that several thousand men over and above the required number can be shipped to the Pacific each month. Then a corresponding number of men in the Pacific with the highest priority credit scores can be declared surplus and returned to the United States, where their scores and military necessity will determine whether they are among the personnel no longer essential to the Army.

Simultaneously with the selection and return of men in the overseas theaters, the same selective formula will be applied among troops stationed in the continental United States. Troops in the United States, however, will serve as the main reservoir of replacements for the overseas theaters, for, in general, their priority scores will be lower than the scores of men who have served overseas and have seen combat duty.

Any man who may have been declared nonessential under this plan who wishes to remain in the Army, provided he has a satisfactory record, will not be forced out of the Army if he can be usefully employed.

In the case of officers, military necessity will determine which ones are nonessential. These will be released as they can be spared.

Priority of release for members of the Women's Army Corps will be determined in the same way as for the rest of the Army, but treating the Corps as a separate group. However, in the case of all female personnel of the Army, those whose husbands have already been released will be discharged upon application.

The plan as now adopted will provide some reduction in the Army Ground Forces and initially considerably less in the Service Forces and in the Air Forces.

Following Germany's defeat, the Air Forces will have to move combat groups and supporting ground units from all over the world to the Pacific areas. The nature of the Pacific area dictates that Service Forces personnel will be needed in great numbers to carry the war to Japan. Long supply lines, scattered bases, jungles, primitive country, all contribute to the importance and necessity for Service Forces personnel. Therefore, the reduction in its strength will be slow at first.

As replacements become available from the Ground Forces and from new inductees, the Air Forces and the Service Forces will discharge a fair share of men proportionate with the Ground Forces.

Surplus individuals declared nonessential to the needs of the Army will be discharged from the service through separation centers. Five Army separation centers are already in operation, and additional ones will be set up when the need develops. A total of 18 in all parts of the country are contemplated. Their wide distribution will enable us to discharge soldiers close to their homes.

The readjustment and demobilization plan applies only to readjustment and demobil-

ization in the period between the defeat of Germany and prior to the defeat of Japan. It sets forth the principles and responsibilities involved during that period. Theater commanders and commanders of all other major commands of the Army will put the plan into operation in as simple a manner as possible, based on these principles and responsibilities.

The War Department has determined that the successful operation of the plan requires that the troops themselves, as well as the public, be kept fully informed.

The size of the Military Establishment that will be needed after the defeat of Germany has been calculated with the same exactness as the size of the Army needed up to now. No soldier will be kept in the military service who is not needed to fulfill these requirements. No soldier will be released who is needed.

It must be borne in mind always that the war will not be won, nor the peace enjoyed, until Japan has been completely crushed.

UNDESIRABLE WAR MEMORIALS—LETTER FROM NATIONAL COUNCIL OF AMERICAN WAR DADS

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD a letter I received from Rennie L. Arnold, national president of the American War Dads, a patriotic organization with headquarters at Kansas City, Mo., warning the public against the types of war memorials which cannot be utilized for community purposes.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL COUNCIL, AMERICAN WAR DADS,
Kansas City, Mo., August 31, 1944.
Mr. ARTHUR CAPPER,
Publisher, the Topeka Capital,
Topeka, Kans.

DEAR MR. CAPPER: This organization believes it is very essential to forewarn the public against the types of war memorials which cannot be utilized for community purposes.

Not only do we have word of such proposed projects from many communities in this country but we know that the opinions of World War No. 2 veterans themselves are decidedly in favor of memorials which will serve the public in a practical way.

An Illinois editor, commenting on this American War Dad movement, said recently in his editorial columns:

"We feel that the group in our city which is behind the plan to erect a seven-lobed billboard to contain the names of all who have had any service to play in this war means honestly to do right by our boys. Their hearts are true, but they are victims of a mania for erecting huge lists of names, sold to them by a high-pressure hiring of a firm obviously determined to capitalize on the sentiment of the hour. Many smaller cities are breaking out with the 'board rash.' The Post is adding its weight to a countermovement here which hopes to save our city and public square from catching the thing."

We are persuaded that if a community or its citizens plan to spend public money on a memorial, it should be something useful, such as public swimming pools, stadiums, day nurseries, public meeting places—anything that would benefit and improve the community and be an expression of democracy at work.

If you agree, we hope you will find occasion to give voice to a movement which we War Dads feel should have public consideration even at this early date.

Sincerely,

RENNIE L. ARNOLD,
National President.

OBJECTIONS OF FARM ORGANIZATIONS TO PENDING HIGHWAY LEGISLATION

Mr. CAPPER. Mr. President, in connection with highway legislation which I understand it has been planned to take up in the Senate in the near future, I ask unanimous consent to have printed in the RECORD a letter from Edward A. O'Neal, president of the American Farm Bureau Federation, pointing out several objections to Senate bill 2105 in its present form.

I also ask unanimous consent to have printed a letter from Albert S. Goss, master of the National Grange, setting forth even stronger objections to the road bill, House bill 4915.

I invite special attention to the objection of the Farm Bureau to the allocation of \$200,000,000 for urban highways, while appropriation of \$250,000,000 is made for projects on the Federal highway system, which the bureau says also would include urban highway construction.

I believe that Congress should study the matter very carefully before changing the formula for apportionment of Federal highway aid to the States, as proposed in House bill 4915. It seems to me that both these measures contemplate the granting of a disproportionate share of Federal funds to the more densely populated areas.

I ask unanimous consent that both letters be printed at this point in the RECORD, as a part of my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., September 2, 1944.
To All Members of the Senate:

We are strongly opposed to the enactment of S. 2105 unless it is amended to correct several serious weaknesses and particularly to remove its discrimination against rural areas.

We are strongly opposed to abandonment of the historic 50-50 basis for matching of Federal and State funds for highway construction, which has been in effect for a quarter of a century. This bill proposes a new matching requirement under which the States would be required to contribute only 40 percent and the Federal Government 60 percent of the cost of any project. Such a change is more inappropriate now than at any previous time, because of the unprecedented, colossal increase in the Federal public debt, which now exceeds \$200,000,000,000 and is still soaring rapidly, while State and local governments are in better financial condition than for many years. Furthermore, to abandon the equal sharing of expense between the Federal Government and the States and place a heavier share on the Federal Government would tend to invite increased Federal control over our highways.

The bill provides a special fund of \$200,000,000 for projects on highways in urban areas to be apportioned to the States on the basis of the total population in cities of 5,000 or more. Another fund of \$250,000,000 is provided for projects on the Federal highway system. Presumably, urban areas would also obtain money for highway construction out of this fund for the Federal-aid highways running through cities. The urban areas in the States with large cities would receive a large share of these funds, totaling \$450,000,000.

We are strongly opposed to this arrangement, which gives a disproportionate share of funds to heavy populated areas. If a

special fund of \$200,000,000 is to be provided solely for Federal-aid highways through cities, then, in fairness, the \$250,000,000 for projects on the Federal-aid highway system should be limited to Federal-aid projects outside of urban areas. Otherwise, urban areas would be obtaining funds from both sources.

However, we believe it is unwise to provide a special fund solely for Federal-aid highways through urban areas, as this prevents the States from exercising their own judgment in apportioning these Federal-aid funds within their States to urban and rural areas. Since these apportionments to the States must be matched by the States out of State funds and since all of these funds are to be expended on Federal-aid projects, we recommend that the \$200,000,000 for urban areas be eliminated and such additional funds as may be necessary be added to the two hundred and fifty million for Federal-aid projects and that these funds be made available for expenditure on Federal-aid highways through urban areas as well as outside urban areas, as provided by existing law. All these funds should be apportioned to the States on the basis of the regular Federal-aid formula—one-third on the basis of total population, one-third on the basis of area, and one-third on the basis of rural post-road mileage.

We strongly favor the allocation of \$200,000,000 for projects on the principal secondary and feeder roads, including farm-to-market roads, rural free delivery mail and public school bus roads, but we recommend these funds be apportioned to the States on the basis of the following formula: One-third on the basis of rural population; one-third on the basis of total area; and one-third on the basis of total mileage of the principal secondary and feeder roads, including farm-to-market roads, rural free delivery mail and public school bus roads. We believe that this formula is a more equitable and realistic formula for the apportionment of these funds for this type of roads than the formula proposed in this bill. We further urge the insertion of an amendment providing that specifications for the construction of secondary and feeder roads shall be determined solely by the respective States.

The foregoing recommendations were approved by the board of directors of the American Farm Bureau Federation at its meeting in Chicago, on August 31, 1944. I hope these recommendations will receive your earnest consideration and that they will meet with your approval.

Sincerely yours,

EDW. A. O'NEAL,
President.

THE NATIONAL GRANGE,
Washington, D. C., August 17, 1944.
Hon. J. W. ROBINSON,
House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN ROBINSON: We are quite concerned over the situation in connection with the pending road bill, H. R. 4915. We are in thorough accord with the purpose of having plans and finances ready to meet any possible emergency arising from the transition from a wartime to a peacetime economy. If this is to be done, it will be necessary to have any program which may be passed by the Congress approved by the various State legislatures. Forty-five of these legislatures meet next January, and many of them will not meet in regular session for another 2 years. It seems most urgent that any legislation the Congress enacts should be passed quickly to avoid the danger of holding up plans which should be gotten under way.

However, we are also concerned about some of the provisions of the bill as reported out by your committee. We fear some of the provisions indicate a tendency to make the bill an unemployment-relief bill rather than a highway bill; that some of the formulas for allocation of funds will not meet the needs

either for employment or building a highway system as equitably as we would like, and that some emergency needs may have led to an expedient course which will serve as a handicap in developing a well-balanced highway system in the future. We, therefore, want to urge the approval of some committee amendments which are designed to meet this situation, provide a more equitable allocation of funds, and protect the prime purpose of building a Federal highway system.

For many years the formula of apportioning road funds on the basis of one-third area, one-third population, and one-third post-road mileage has worked out most satisfactorily in rural areas, and we feel it should not be discarded unless it can be improved. We realize the justice in providing funds for carrying this system through cities or even skirting the city itself, and favor authorization of funds for this purpose. However, when we applied the allocation formula in the bill to the field, we found some indefensible results. Some States with large urban population and small areas would receive less than seemed equitable, while in sparsely settled States, more funds for development in urban areas would be received than they could possibly use economically. We worked on a wide variety of factors in an effort to find some combination which would do reasonable equity to the rural and urban sections alike, but were finally forced to the conclusion that there were certain economic factors which were common to practically all rural sections, and certain other factors which were common to practically all urban centers, but there was not much in common between these two groups. We concluded that the only way to approach equity was to determine the amount of money to be spent on rural highways and the amount to be spent on highway development in the urban areas, then provide for an equitable allocation of each of these sums according to the factors which would give the most equitable practical results in each case.

We propose that the funds authorized for the Federal-aid highway system in rural areas and for the feeder roads be apportioned to the States as provided in section 21 of the Federal Highway Act (one-third area, one-third population, and one-third post-road mileage).

We propose that the funds authorized for Federal-aid highway projects in urban areas be apportioned among the states in the ratio which the population in municipalities of 10,000 population or more in each State bears to the national total population in municipalities for 10,000 or more.

We believe the purpose of the bill to construct a Federal highway system should be preserved. If later money is needed for relief, let it be appropriated as such, and let it be allocated according to the need. We fear the wording of the bill may not be quite clear and may give rise to misunderstanding, and be considered as authorizing the expenditure of funds on city streets quite apart from the highway system. We believe this is not the intent, but misunderstanding could be avoided if the authorization for urban expenditures were clearly defined as "on Federal-aid highway projects in urban areas."

The highway system which has served us so successfully these many years permits a portion of the general Federal-aid highway funds to be used in urban areas. The pending bill would provide additional funds which could not be used except in urban areas, but does not prevent using a portion of the general Federal-aid highway funds being used there also, just as is now the case. This is probably as it should be, but the wording which specifically provides for the use of these funds "either inside or outside of urban areas" without any limitations would seem to invite needless rivalries and political pulling and hauling between cities and country areas. We believe the provisions of the present law

are ample in this respect, and believe the inclusion of these additional words will merely lead to confusion.

We feel that the bill can be greatly improved by making the changes we suggest, and urge that it either be recalled for further consideration, or that committee amendments be prepared designed to correct the conditions to which we have invited your attention.

Sincerely yours,

A. S. Goss,
Master, The National Grange.

KIWANIS CLUB CITATION TO SENATOR HAWKES

[Mr. REVERCOMB asked and obtained leave to have printed in the RECORD the 1943 citation of the Kiwanis Club of New York, citizenship committee, to Senator HAWKES, the presentation of the citation by Hon. James W. Gerard, the address on the occasion by Senator HAWKES, and remarks by Senator REVERCOMB, which appear in the Appendix.]

ADDRESS BY POSTMASTER GENERAL WALKER BEFORE SAN FRANCISCO JUNIOR CHAMBER OF COMMERCE

[Mr. MCKELLAR asked and obtained leave to have printed in the RECORD a radio address by Hon. Frank C. Walker, Postmaster General of the United States, delivered on September 8, 1944, before the Junior Chamber of Commerce at San Francisco, Calif., which appears in the Appendix.]

EXPENDITURES AND RECEIPTS OF DOMESTIC AND FOREIGN AIR MAIL SERVICE—REPORTS OF POST OFFICE DEPARTMENT

[Mr. MCKELLAR asked and obtained leave to have printed in the RECORD two reports addressed to him as chairman of the Committee on Post Offices and Post Roads by the Post Office Department, one on expenditures and receipts of the Domestic Air Mail Service, and the other on expenditures and receipts of the Foreign Air Mail Service, which appear in the Appendix.]

FEDERAL ASSISTANCE TO STATES FOR PUBLIC EDUCATION—ADDRESS BY DR. HOWARD A. DAWSON

[Mr. HILL asked and obtained leave to have printed in the RECORD an address entitled "Federal Assistance to the States for Public Education," delivered by Dr. Howard A. Dawson before the Representative Assembly of the National Education Association at Pittsburgh, Pa., on July 6, 1944, which appears in the Appendix.]

EDUCATION FOR WORLD AFFAIRS—ADDRESS BY WILLIAM M. HEPBURN

[Mr. HILL asked and obtained leave to have printed in the RECORD an address entitled "Education for World Affairs—The Basis for an Understanding Peace," delivered by Dr. William M. Hepburn, dean of the law school of the University of Alabama, at the summer school graduation on August 25, 1944, which appears in the Appendix.]

STATES' RIGHTS—ARTICLE BY LOWELL MELLETT

[Mr. HILL asked and obtained leave to have printed in the RECORD an article entitled "States' Rights Makes Good Talk, But Doesn't Create Any Jobs, Says Writer," written by Lowell Mellett and published in the Washington Star of September 7, 1944, which appears in the Appendix.]

FARM PROGRAM—LETTER FROM G. C. OLIVER

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a letter pertaining to the farm program addressed to

him by G. C. Oliver, chairman of the Cumberland County, Ky., A. A. A. board, which appears in the Appendix.]

FEDERAL ROAD PROGRAM—EDITORIAL FROM ST. LOUIS GLOBE-DEMOCRAT

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an editorial entitled "Federal Road Program" published in the St. Louis Globe-Democrat of September 5, 1944, which appears in the Appendix.]

TRIBUTE TO GEORGE W. NORRIS

[Mr. HILL asked and obtained leave to have printed in the RECORD a number of editorials and newspaper articles, and a statement by Sidney Hillman, paying tribute to the memory of former Senator Norris of Nebraska, which appear in the Appendix.]

THE GOVERNMENT'S SUIT AGAINST THE RAILROADS

[Mr. SHIPSTEAD asked and obtained leave to have printed in the RECORD a letter written by Wendell Berge, Assistant Attorney General, under date of August 25, 1944, to the editor of the New York Times, relating to the Government's suit against the railroads, and an editorial entitled "Look Homeward, Mr. W!", published in the Minneapolis Morning Tribune of October 22, 1943, which appear in the Appendix.]

THE GOVERNMENT'S SUIT AGAINST THE RAILROADS

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD two editorials from the New York Times, one of August 25, 1944, and the other of August 30, 1944, and an article from the Wyoming State Tribune of August 29, 1944, relating to the Government's suit against the railroads, which appear in the Appendix.]

BASES FOR PEACE—ARTICLE FROM COSMOPOLITAN MAGAZINE

[Mr. BROOKS asked and obtained leave to have printed in the RECORD an article entitled "Bases for Peace" published in the September 1944 issue of Cosmopolitan magazine, which appears in the Appendix.]

EXPANSION OF SERVICE INDUSTRIES—ARTICLE BY C. HARTLEY GRATTAN

[Mr. WALSH of New Jersey asked and obtained leave to have printed in the RECORD an article entitled "Factories Can't Employ Everybody—Why the Service Industries Must Expand," written by C. Hartley Grattan, and published in Harper's magazine of September 1944, which appears in the Appendix.]

THOUGHTS ON V-DAY—EDITORIAL FROM NEWARK EVENING NEWS

[Mr. WALSH of New Jersey asked and obtained leave to have printed in the RECORD an editorial entitled "Thoughts on V-day," published in the Newark (N. J.) Evening News of September 5, 1944, which appears in the Appendix.]

SANCTUARY FOR THE JEWS IN PALESTINE

[Mr. LANGER asked and obtained leave to have printed in the RECORD an editorial from the Boston Evening Globe of August 10, 1944, entitled "They Suffered Most"; an editorial from the New York Daily Mirror of August 1, 1944, entitled "Well Mr. Churchill!"; an editorial from the Courier News of Plainfield, N. J., of August 1, 1944, entitled "Palestine as A Refugee"; an editorial from the New York Post of August 24, 1944, entitled "Men of Faith"; an editorial from the New York Post of August 15, 1944, entitled "Share the Job"; and an editorial from the New York Post of August 10, 1944, entitled "Twenty-four Days Have Passed"; all relating to providing sanctuary for the Jews, which appear in the Appendix.]

CONTROL AND ERADICATION OF CERTAIN ANIMAL AND PLANT PESTS AND DISEASES

The ACTING PRESIDENT pro tempore. The question is on the motion of the Senator from Georgia [Mr. RUSSELL] that the Senate recede from its amendments numbered 1, 2, and 3 to the bill (H. R. 4278), the title of which will be stated.

The CHIEF CLERK. A bill (H. R. 4278) to provide for the control and eradication of certain animal and plant pests and diseases, to facilitate cooperation with the States in fire control, to provide for the more efficient protection and management of the national forests, to facilitate the carrying out of agricultural conservation and related agricultural programs, to facilitate the operation of the Farm Credit Administration and the Rural Electrification Administration, to aid in the orderly marketing of agricultural commodities, and for other purposes.

PROMOTION OF CERTAIN AMERICAN PRISONERS OF WAR

Mr. BROOKS obtained the floor.

Mr. CHAVEZ. Mr. President, is it the desire of the Senator from Illinois to address the Senate at this time?

Mr. BROOKS. I expect to speak for a few minutes.

Mr. CHAVEZ. Will the Senator be kind enough to yield to me for a moment?

Mr. BROOKS. I am delighted.

Mr. CHAVEZ. Mr. President, before proceeding to ask unanimous consent for the consideration of a bill on the calendar, I wish to compliment the Senator from Florida [Mr. ANDREWS] on the statement which he made to the Senate a few moments ago. I am personally acquainted with the matters of which he speaks. In my opinion no more important program could be carried out in the post-war period than the project he has discussed.

Mr. President, I ask unanimous consent for the present consideration of Senate bill 1374, Calendar 1057, which is a bill unanimously reported by the Committee on Military Affairs.

The ACTING PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1374) to provide for promotion of certain American prisoners of war.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. WHITE. Mr. President, reserving the right to object, will the Senator from New Mexico give us some intimation of what the bill involves?

Mr. CHAVEZ. I shall be glad to do so. This bill originated as a result of the plight of American prisoners of war in the Philippine Islands, in Wake, and in Guam. As the Senate knows, practically every State in the Union had prisoners of war in the Philippine Islands after the fall of Bataan and Corregidor. The bill was introduced about 10 months ago. Only recently the Senate Commit-

tee on Military Affairs unanimously reported the bill. The Senator from Illinois [Mr. Brooks], who has been kind enough to yield to me, has constituents from Maywood, Peoria, and elsewhere, who are prisoners of war. Practically every State in the Union is interested.

Mr. WHITE. Mr. President, in view of the explanation made, and in view of what I understand to be the attitude of the minority members of the committee, I have no objection.

Mr. CONNALLY. Mr. President, reserving the right to object, as I understand, the bill applies only to officers and enlisted men who were imprisoned by the Japanese.

Mr. CHAVEZ. That is correct.

Mr. CONNALLY. Why should it not apply to those imprisoned by the Germans? They are in just as bad a situation.

Mr. CHAVEZ. The reason is that at the time the bill was introduced, the only prisoners involved were those who were taken at Guam, at Wake, and in the Philippine Islands. It is the thought of the sponsors of the bill that inasmuch as those particular prisoners were taken under circumstances which are not applicable to prisoners taken elsewhere, they should be taken care of. Personally I have no objection to taking care of prisoners who were taken elsewhere; but I believe it would be well to take care of these particular prisoners at this time. I have no objection to taking care of the prisoners to whom the Senator refers.

Mr. CONNALLY. Would the Senator object to my offering an amendment to that effect?

Mr. CHAVEZ. The only thing I have in mind in that respect is—

Mr. HATCH. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. HATCH. Let me say to the Senator from Texas that I quite appreciate the suggestion which he has made. It should be said that there is no intention to discriminate against prisoners anywhere. However, as my colleague has explained, this bill was introduced at a time when it seemed peculiarly fitting with respect to prisoners in the Philippines, who went through that tragic experience called the march of death, and who have been held for a long time as prisoners of war under most terrible conditions. My colleague introduced the bill as a mark of our country's appreciation of what those men suffered under those circumstances. I hope the amendment will not be pressed at this particular time, because I am quite sure it would complicate the passage of the bill. I believe that the bill should be passed as it was originally introduced.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. CONNALLY. As the Senator and his colleague have said, at the time the bill was introduced a certain situation existed. However, we are asked to pass the bill now, under present conditions. We cannot pass it nunc pro tunc, under conditions which heretofore existed. If we are to promote a prisoner in the

Philippines—and I am not opposed to it—I cannot see why an officer who was captured in north Africa and imprisoned by the Germans, and who is still imprisoned, should be denied promotion. I understand that the War Department has a regulation which provides that no officer who is imprisoned anywhere shall be promoted. Most of the former associates and colleagues of such officers, who have been in active service, have been promoted two or three grades, while their companions in rank are still in the German prison camps and cannot be promoted. What reason is there for promoting prisoners in the custody of the Japanese and not those in German custody?

Mr. CHAVEZ. I cannot see any reason, except that, so far as the prisoners of the Japanese are concerned, they had to fight under the most trying circumstances, without supplies, without food, and without adequate arms and ammunition. Their situation is somewhat different from that of prisoners who were taken in isolated cases in the campaign in Africa. I assure the Senator that I am acting in the best of faith in this instance. I do not object to taking care of the class of prisoners which the Senator from Texas has in mind.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. VANDENBERG. I notice, from the letter from the Navy Department, which is a part of the committee report, that there is a suggestion of further discrimination. I invite the attention of the Senator from Texas to the language at the bottom of page 3 of the report. The Navy Department objects because the bill "is limited to those who were serving in only three locations—the Philippine Islands, Guam, and Wake—and only to those who were serving in those locations on one specific date, December 8, 1941." In other words, apparently it does not include even all those who should be eligible in the particular theater to which the Senator from New Mexico refers.

Mr. CHAVEZ. That is correct. The report speaks for itself. There is no question that both the War Department and the Navy Department made adverse reports on the bill. However, I believe that the significant part of the report of the War Department, which convinced the Committee on Military Affairs, is contained in the letter from the Secretary of War, which is found on page 2 of the report. In explaining the objections of the War Department to the bill the Secretary of War said:

In the case of captured personnel—

He is speaking of all the personnel captured in the Philippine Islands—

there is no way to distinguish between those men who, by virtue of having fought to the last, might be deserving of a reward in the form of promotion and those who surrendered in circumstances under which they might reasonably have been expected to continue to resist.

In my opinion that was the compelling point which prevailed upon the Committee on Military Affairs to report the

bill. Even before the bill was reported by the committee, the War Department recommended the promotion of General Wainwright. I am sure it was deserved. This body acted upon it and approved it.

The surrender came after the commander of the troops saw that there was nothing else to do. The American prisoners taken in the Philippine Islands were captured under entirely different circumstances from those obtaining with respect to prisoners captured in other theaters. I am not opposed to the promotion of prisoners captured in other fields of battle; but I ask Senators to consider what the boys in the Philippines, Guam, and Wake went through, and the defense which they made. Guam, which has only recently been retaken by American forces, was defended by 300 marines. Were they not fighting under different circumstances from those surrounding men who became lost from their divisions in Tunisia, Africa, Italy, and France, and who surrendered because they were surrounded by a platoon of German soldiers? What about the boys at Guam and Wake? They had no supplies. They were doing their duty under most trying circumstances. So I feel that their case is a little different.

Mr. GILLETTE. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. GILLETTE. Reserving the right to object, I should like to ask the Senator a question. I am disturbed at the possible interpretation of the provision of the bill which calls for similar promotions each year thereafter, without any limitation. Is it the intention that these men are to be promoted every year from now on?

Mr. CHAVEZ. So long as they are prisoners of war.

Mr. GILLETTE. But there is no such limitation in the language of the bill. The bill simply provides that—

Similar promotions shall be made December 8, 1943, and December 8 in each year thereafter in the case of each person below the grades above specified on such dates, respectively.

There is no limitation providing that they must continue to be prisoners of war if the promotions are to be continued. The bill merely provides for similar promotions each year.

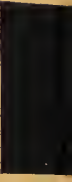
Mr. CHAVEZ. The intention of the framers of the bill—and I am sure the bill will be so interpreted, especially in view of the reports from the War Department and the Navy Department—is that such promotions shall continue only so long as the men are prisoners of war.

Mr. HATCH. Mr. President, will the Senator further yield?

Mr. CHAVEZ. I yield.

Mr. HATCH. The prisoners in the Philippines were taken under the most terrifying circumstances which have confronted any soldier in this war. They have been held prisoners of war under different circumstances than those which obtain with respect to prisoners of war in other theaters and areas. The men who were taken in the Philippines were not even permitted to receive medical supplies. They have not been per-

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S. 2105

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12 (legislative day, SEPTEMBER 1), 1944

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. BYRD to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes, viz:

- 1 On page 5, line 14, strike out "60" and insert "50".

AMENDMENT

Intended to be proposed by Mr. BYRD to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossing, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

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S. 2105

IN THE SENATE OF THE UNITED STATES

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AMENDMENT

Intended to be proposed by Mr. DAVIS to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes, viz:

1 On page 4, line 5, after the word "Roads" add the fol-
2 lowing: "*Provided further*, That in any State having a
3 population density of more than two hundred per square
4 mile, as shown by the latest available Federal census, the said
5 system may be selected without regard to included municipal
6 boundaries".

AMENDMENT

Intended to be proposed by Mr. DAVIS to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

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S. 2105

IN THE SENATE OF THE UNITED STATES

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Mr. HILL submitted the following

AMENDMENT

Intended to be proposed by Mr. LUCAS to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes, viz: On page 11, after section 13, add the following:

- 1 That it is hereby declared to be the policy of the Con-
- 2 gress to provide for the immediate preparation of comprehen-
- 3 sive plans and programs to facilitate and expedite the
- 4 electrification of rural areas in the several States and Terri-
- 5 tories to the fullest extent possible, as soon as materials and
- 6 manpower are available, in order to improve the standard

1 of living and the economic condition of persons residing in
2 rural areas and further to provide employment opportunities
3 and demands for materials and manufactures.

4 SEC. . (a) The Administrator of the Rural Electrifi-
5 cation Administration is authorized and empowered im-
6 mediately to prepare comprehensive plans and programs for
7 the electrification of rural areas to the fullest extent possible,
8 and to collect such information as he may require to develop
9 projects which comply with the requirements of the Rural
10 Electrification Act of 1936, as amended (U. S. C., title 7,
11 secs. 901-914, inclusive), including, without limitation, the
12 assembly of factual data indicating the extent of the need
13 and demand for rural electrification, the making of engi-
14 neering studies, the preparation of maps and supporting
15 explanatory material, and the preparation of loan applica-
16 tions: *Provided, however,* That the Administrator of the
17 Rural Electrification Administration shall cause to be in-
18 cluded in the amount of any loan hereafter made to any
19 borrower that part of the moneys expended by the Admin-
20 istrator of the Rural Electrification Administration for the
21 purposes of this section which he shall determine to be prop-
22 erly chargeable to such borrower.

23 (b) In order to carry out the provisions of this Act, the
24 Administrator of the Rural Electrification Administration
25 may, without regard to the provisions of law relating to the

1 making, performance, amendment or modification of con-
2 tracts, or to the obtaining of personal services, obtain or em-
3 ploy, by contract or otherwise, the services and facilities of
4 such persons, corporations, States, Territories, and sub-
5 divisions and agencies thereof, municipalities, peoples utility
6 districts and cooperative, nonprofit, or limited-dividend asso-
7 ciations organized under the laws of any State or Territory
8 of the United States, as have received or may receive loans
9 from the Administrator pursuant to the Rural Electrification
10 Act of 1936, and may exercise the authorities described in
11 section 11 of the Rural Electrification Act of 1936.

12 (c) There is hereby authorized to be appropriated
13 annually, beginning with the fiscal year ending June 30,
14 1945, a sum not exceeding \$5,000,000, which shall be used
15 to carry out the provisions of this section.

16 SEC. . (a) In order to provide additional funds for
17 loans in accordance with sections 3, 4, and 5 of the Rural
18 Electrification Act of 1936, but without regard to the pro-
19 visions of subsections (c) and (d) and the provisos in sub-
20 section (e) of section 3 of said Act, the Reconstruction
21 Finance Corporation is hereby authorized and directed to
22 make loans to the Administrator of the Rural Electrification
23 Administration, upon the request and approval of the Secre-
24 tary of Agriculture, and in accordance with the provisions
25 of subsection (a) of section 3 of said Act, not exceeding in

1 aggregate amount \$35,000,000 for the fiscal year ending
2 June 30, 1945, which amount shall be in addition to the
3 amount authorized for this purpose in the Department of
4 Agriculture Appropriation Act, 1945; \$150,000,000 for the
5 fiscal year ending June 30, 1946; \$200,000,000 for the fiscal
6 year ending June 30, 1947; and \$200,000,000 for the fiscal
7 year ending June 30, 1948.

8 (b) In order further to facilitate and expedite the elec-
9 trification of rural areas in the several States and Territories
10 to the fullest extent possible, the Administrator is authorized
11 and empowered, immediately upon the enactment of this
12 Act, to enter into such agreements and to make such com-
13 mitments for loans pursuant to sections 4 and 5 of the Rural
14 Electrification Act of 1936, as he may deem appropriate
15 and advisable, to the full extent of the aggregate authoriza-
16 tion contained in subsection (a) of this section. Such
17 agreements and commitments shall be deemed contractual
18 obligations on the part of the United States and may be
19 discharged with any of the funds made available in said
20 subsection.

21 SEC. . The amount of the notes, bonds, debentures,
22 and other such obligations which the Reconstruction Finance
23 Corporation is authorized and empowered to issue and to
24 have outstanding at any one time under existing law is hereby

1 increased by an amount sufficient to carry out the provisions
2 hereof.

3 SEC. . This Act may be cited as the "Rural Electrifica-
4 tion Planning Act of 1944".

AMENDMENT

Intended to be proposed by Mr. Lucas to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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AMENDMENT

Intended to be proposed by Mr. MALONEY to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes, viz:

- 1 On page 4, line 16, after the word "Act" insert a colon
- 2 and the following: "*Provided, That* no State shall receive
- 3 less than an apportionment equal to six-tenths of the per-
- 4 centage of the Federal gasoline tax collected in the State,
- 5 as measured by the total net amount taxed value in Public
- 6 Roads Administration statistical report G-2 for 1941".

AMENDMENT

Intended to be proposed by Mr. MAHONEY to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

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AMENDMENT

Intended to be proposed by Mr. MALONEY to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes, viz:

- 1 On page 4, line 23, after the word "census" insert a
- 2 colon and the following: "*Provided, The New England*
- 3 towns shall be considered municipalities regardless of their
- 4 incorporated status".

AMENDMENT

Intended to be proposed by Mr. MALONEY to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

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S. 2105

IN THE SENATE OF THE UNITED STATES

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AMENDMENTS

Intended to be proposed by Mr. McCLELLAN to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes, viz:

- 1 On page 5, line 12, after "SEC. 5." insert "(a)".
- 2 On page 6, after line 9, insert the following:
- 3 "(b) If within any of the three post-war fiscal years
- 4 referred to in this Act the Federal Works Administrator
- 5 shall find with respect to any State (1) that the proceeds
- 6 of all special taxes on motor-vehicle transportation, as re-

1 ferred to in section 12 of the Act of June 18, 1934 (48
2 Stat. 995), as amended, are applied to highway purposes
3 as defined in said section; (2) that at least 90 per centum
4 of such proceeds are applied to the administrative and oper-
5 ating expenses of the State highway department, the mainte-
6 nance of the State and Federal-aid highway systems, and
7 the payment of interest on, and the amortization of, bond
8 obligations of the State for the payment of which such
9 revenues have heretofore been pledged; and (3) that the
10 portion of the proceeds of all such special taxes then avail-
11 able for construction, together with funds available to the
12 State from any other sources for highway purposes, will be
13 insufficient to match all, or any part, of the funds appor-
14 tioned to such State for such fiscal years in accordance with
15 the provisions of this Act, then such portion of such appor-
16 tionments as the Federal Works Administrator shall find
17 the State is unable to match shall be made available for
18 expenditure in such State in accordance with the Federal
19 Highway Act, as amended and supplemented, without being
20 matched by the State."

AMENDMENTS

Intended to be proposed by Mr. McCLELLAN to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12 (legislative day, SEPTEMBER 1), 1944

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AMENDMENTS

Intended to be proposed by Mr. RUSSELL to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes, viz:

1 On page 2, line 18, strike out "\$1,950,000,000" and
2 insert in lieu thereof "\$600,000,000".

3 On page 2, line 19, strike out "\$650,000,000" and
4 insert in lieu thereof "\$200,000,000".

5 On page 2, line 22, strike out "\$100,000,000" and
6 insert in lieu thereof "\$50,000,000".

1 On page 3, line 20, strike out “\$250,000,000” and
2 insert in lieu thereof “\$80,000,000”.

3 On page 3, line 22, strike out “\$200,000,000” and
4 insert in lieu thereof “\$65,000,000”.

5 On page 4, line 6, strike out “\$200,000,000” and insert
6 in lieu thereof “\$55,000,000”.

7 On page 4, line 12, strike out “\$250,000,000” and
8 insert in lieu thereof “\$80,000,000”.

9 On page 4, line 13, strike out “\$200,000,000” and insert
10 in lieu thereof “\$65,000,000”.

11 On page 4, line 17, strike out “\$200,000,000” and insert
12 in lieu thereof “\$55,000,000”.

13 On page 5, line 14, strike out “60” and insert in lieu
14 thereof “50”.

15 On page 8, line 10, strike out “\$25,000,000” and
16 insert in lieu thereof “\$15,000,000”.

17 On page 8, line 13, strike out “\$12,500,000” and insert
18 in lieu thereof “\$7,500,000”.

19 On page 8, line 16, strike out “\$1,500,000” and insert
20 in lieu thereof “\$700,000”.

21 “On page 9, line 7, strike out “\$12,750,000” and
22 insert in lieu thereof “\$6,300,000”.

23 On page 9, line 8, strike out “\$4,250,000” and insert
24 in lieu thereof “\$2,100,000”.

1 On page 9, line 15, strike out “\$15,000,000” and
2 insert in lieu thereof “\$4,500,000”.

3 On page 9, line 15, strike out “\$5,000,000” and insert
4 in lieu thereof “\$1,500,000”.

AMENDMENTS

Intended to be proposed by Mr. Russell to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

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AMENDMENTS

Intended to be proposed by Mr. RUSSELL to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes, viz:

1 . On page 2, lines 24 and 25, strike out "the acquisition
2 of rights-of-way,".

3 On page 3, line 13, strike out "the acquisition of rights-
4 of-way,".

5 Strike out in the bill any other language authorizing
6 the delegation of the expenditure of Federal funds for the
7 acquisition of rights-of-way.

AMENDMENTS

Intended to be proposed by Mr. RUSSELL to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

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78TH CONGRESS
2D SESSION

S. 2105

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12 (legislative day, SEPTEMBER 1), 1944

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AMENDMENT

Intended to be proposed by Mr. STEWART to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes, viz:

- 1 On page 4, line 1, beginning with the word "*Provided*",
- 2 strike out down to and including line 5, and in lieu thereof
- 3 insert the following: "*Provided*, That these funds (1) shall
- 4 be expended upon systems of such roads selected exclusively
- 5 by agreement between the State highway departments and
- 6 the county supervisors, county commissioners, or other ap-
- 7 propriate road officials of the counties in which such roads

1 are located, and (2) shall be expended for the construction
 2 of roads upon such systems in accordance with plans and
 3 specifications determined upon exclusively by agreement be-
 4 tween the State highway departments and such supervisors,
 5 commissioners, or other officials.”

78TH CONGRESS
 2^D Session

S. 2105

AMENDMENT

Intended to be proposed by Mr. STEWART to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12 (legislative day, SEPTEMBER 1), 1944

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AMENDMENT

Intended to be proposed by Mr. STEWART to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented; to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes, viz: On page 4, strike out lines 12 to 16, inclusive, and in lieu thereof insert the following:

1 (a) (1) The \$250,000,000 per year available for proj-
2 ects on the Federal-aid highway system shall be apportioned
3 among the States as provided in section 21 of the Federal
4 Highway Act.

5 (2) The \$200,000,000 per year available for projects

1 on the secondary and feeder roads shall be apportioned
2 among the States in the following manner: One-third in the
3 ratio which the area of each State bears to the total area of
4 all the States; one-third in the ratio which the population
5 of rural areas in each State bears to the total population of
6 rural areas in all the States, as shown by the Federal census
7 of 1940; and one-third in the ratio which the mileage of
8 rural delivery and star routes in each State bears to the total
9 mileage of rural delivery and star routes in all the States.

AMENDMENT

Intended to be proposed by Mr. STEWART to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

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78TH CONGRESS
2D SESSION

S. 2105

IN THE SENATE OF THE UNITED STATES

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AMENDMENT

Intended to be proposed by Mr. STEWART to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes, viz: At the proper place in the bill insert the following new section:

- 1 SEC. . (a) There is hereby created within the Public
- 2 Roads Administration a division to be known as the Rural
- 3 Local Roads Division. Such Division shall be organized
- 4 immediately upon the enactment of this Act. Such Divi-
- 5 sion shall be in the charge of a Director, who shall be a

1 member of a recognized national engineering society and
2 shall have had at least ten years' experience in an adminis-
3 trative or engineering capacity in one or more county high-
4 way agencies. The Director shall be appointed by the
5 Commissioner of Public Roads and shall be paid compensa-
6 tion at the rate of \$9,000 per annum. The Director shall
7 have authority to deal with State highway agencies, county
8 highway agencies, town highway agencies, township high-
9 way agencies, or any other local governmental highway
10 agency within a State in administering the provisions of
11 Federal laws relating to rural roads. The Director is
12 authorized to utilize such records and facilities of the Public
13 Roads Administration as may be necessary in the adminis-
14 tration of such laws.

15 (b) In the selection of personnel for the Division,
16 technical and policy-forming members of its staff shall be
17 chosen from men experienced in rural local road problems,
18 needs, and construction. For the better administration of
19 the provisions of Federal laws relating to rural roads, the
20 Rural Local Roads Division shall maintain a representative
21 or representatives in each of the several States participating
22 in road programs under such laws.

AMENDMENT

Intended to be proposed by Mr. STEWART to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

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AMENDMENT

Intended to be proposed by Mr. STEWART to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes, viz:

- 1 On page 3, line 21, before the period insert "outside of
- 2 urban areas".

AMENDMENT

Intended to be proposed by Mr. STEWART to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

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AMENDMENT

Intended to be proposed by Mr. STEWART to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes, viz:

- 1 On page 3, line 21, before the period insert "outside of
- 2 urban areas".

9-12-44—L

AMENDMENT

Intended to be proposed by Mr. STEWART to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

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Ordered to lie on the table and to be printed

Mr. WILLIAMS. That is what I would assume.

The CHAIRMAN. Well, he did, as a matter of fact. It isn't a question of opinion. It is a fact, isn't it?

Mr. WILLIAMS. It is a fact, but Mr. Stambaugh may be in there unconsciously.

The CHAIRMAN. Certainly. I am not questioning motives. I am just getting the facts, that is all.

Senator TUNNELL. But these fellows haven't been nominated?

Mr. WILLIAMS. The primary is on June 27.

Senator TUNNELL. They are candidates at the Republican primary?

Mr. WILLIAMS. That's right.

The CHAIRMAN. Well, then, he got what he wanted, a veteran?

Mr. WILLIAMS. Yes; he got a veteran.

The CHAIRMAN. For a third party.

Mr. WILLIAMS. If you wanted to speak plainly and tie Stambaugh up to Senator LANGER, which I wouldn't do, personally.

The CHAIRMAN. No.

Mr. WILLIAMS. Or say that Stambaugh had any part of any arrangement which was offered us.

But it leaves a strong inference, and that leads up to the smear against Williams, doesn't it?

And the only defense I offer is that the national organization of Disabled American Veterans hasn't any candidate in the field.

The CHAIRMAN. Are there three principal parties in North Dakota?

Mr. WILLIAMS. No; there is what we primarily call the Nonpartisan League, and then there is the Independent Voters Association, the independent Republican organization; and then there are the Democrats.

The CHAIRMAN. Three?

Mr. WILLIAMS. Yes. But the Democrats don't—

Senator BALL (interposing). The league operates within the Republican Party, doesn't it?

Mr. WILLIAMS. Yes.

The Democrats don't have to participate in the primary because they select their own man. Their candidates have already been selected.

Our present Governor Moses will be the Democratic candidate in the fall for the Senate.

The CHAIRMAN. The other three elements in the Republican Party are the three you mentioned?

Mr. WILLIAMS. Yes.

Under our system of balloting Democrats can cast their votes for Republican candidates in the Republican primaries, then vote the Democratic ticket in the fall.

Do you see the program behind this election?

The CHAIRMAN. I should think everyone at that meeting here in Washington would have been very much surprised at a Democrat coming in to select the candidate for Republican primaries.

Mr. WILLIAMS. It is understood that in the primary on June 27 a Democrat can cast a ballot in the Republican primary and in the fall he can vote Democratic.

Now, that might seem strange procedure but nevertheless that is the truth.

The CHAIRMAN. It would be interesting to know what became of that \$10,000, wouldn't it?

Mr. WILLIAMS. Well, that kind of money I am not concerned with. I do know—feel in my own heart—that had I not been there and put the pressure on those boys, some one would have fallen for this money.

The CHAIRMAN. Well, have you anything else to tell us that would throw light on the coming primary?

Mr. WILLIAMS. Well, I haven't anything further than this. Everybody practically of any prominence knows about this situation in North Dakota. It would be my suggestion

that you call in before your committee these other officers of our organization for their testimony.

The CHAIRMAN. They are all out in North Dakota now?

Mr. WILLIAMS. They are all in North Dakota; yes.

The CHAIRMAN. Well, it would be only fair to ask Senator LANGER about it too, wouldn't it?

Mr. WILLIAMS. Well, I was hoping that he would be here this afternoon.

The CHAIRMAN. I believe he has gone home.

Mr. WILLIAMS. I didn't know that.

The CHAIRMAN. Somebody told me that. I don't know whether it is true.

Mr. WILLIAMS. Perhaps Senator LANGER can identify this McSheehan for you and produce him.

The CHAIRMAN. Where was his home? Did he mention?

Mr. WILLIAMS. McSheehan?

The CHAIRMAN. Yes.

Mr. WILLIAMS. Right here in Washington.

The CHAIRMAN. Oh, this is his home?

Mr. WILLIAMS. He said he was the Washington general counsel for the Anheuser-Busch Brewing Co.

The CHAIRMAN. Is there any reason why that company should take an interest in North Dakota politics?

Mr. WILLIAMS. Not that I know of. I wouldn't know any reason for McSheehan to be up there unless he had an ulterior motive.

They kept talking about him as Tom, Tom.

Well, you can imagine—

The CHAIRMAN (interposing). You never looked him up in the Washington directory or the telephone directory?

Mr. WILLIAMS. No. I never had any further use for him after the first 15 minutes of conversation.

Understand, I had a difficult situation to bear to convince these other fellows, members of our organization, that we should not be tangled up in a deal like this. And they didn't—

The CHAIRMAN (interposing). I only meant that perhaps your natural curiosity might lead you to find out who this fellow was and what his interest was.

Senator BALL. Off the record.

(Discussion was had outside the record.)

The CHAIRMAN. Have you any questions to ask, Senator TUNNELL?

Senator TUNNELL. No.

The CHAIRMAN. Have you any questions, Senator BALL?

Senator BALL. No.

(At this point the witness took oath, administered by the chairman, as to the truth and veracity of his testimony heretofore given.)

The CHAIRMAN. Well, thank you very much, Mr. Williams.

FEDERAL AID FOR POST-WAR HIGHWAY CONSTRUCTION

Mr. LANGER. Mr. President, will the Senator yield?

Mr. NYE. I yield the floor.

Mr. LANGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from North Dakota?

Mr. HAYDEN. Mr. President, I desire to make a motion, and then I will yield. I move that the Senate proceed to the consideration of Senator bill 2105, to amend and supplement the Federal Aid Road Act, and so forth.

Mr. WHITE. Mr. President, will the Senator yield to me for a question?

Mr. HAYDEN. Yes.

Mr. WHITE. The bill has been reported from the committee, and it is now the Senator's purpose to make the bill the unfinished business, to permit dis-

cussion of it, and the offering of amendments to it, but it is not the Senator's purpose to press for a vote today? Is that correct?

Mr. HAYDEN. That is correct. There are a number of Senators who have proposed amendments to the bill. I have conferred with the chairman of the Committee on Post Offices and Post Roads, the Senator from Tennessee [Mr. McKellar], and we have concluded that the better course to follow is to allow the amendments to be printed and have a meeting of the committee tomorrow morning to consider the amendments, so that if any of them are to be recommended they may be recommended as committee amendments, and then it is hoped to dispose of the bill tomorrow.

Mr. WHITE. I asked the question simply so that Members of the Senate might be advised what the purpose was.

Mr. TAFT. Mr. President, I desire to be heard on the motion to take up the measure. I do not want to interrupt the Senator from North Dakota, and after he shall have concluded I hope to be heard on the motion of the Senator from Arizona.

Mr. HAYDEN. I now yield to the Senator from North Dakota.

NORTH DAKOTA SENATORIAL PRIMARY

Mr. LANGER. Mr. President, I am not going to take up a great deal of time on what has been said by my colleague from North Dakota [Mr. NYE], but I do not want to let pass this particular opportunity to denounce as entirely false the statement that Mr. Joseph B. Keenan ever offered anybody a single dollar to be a candidate against the senior Senator from North Dakota in the coming election.

May I now, first of all, Mr. President, bring to your attention that, according to my colleague's own statement, this conversation took place on the 14th day of September 1943, nearly 10 months before the primary election in North Dakota, and before the senior Senator had announced his candidacy, before there was any other candidate running for the office of United States Senator in North Dakota? So how, I ask, could there be a three-way fight when there was no candidate at that time, and the distinguished Senator himself had not announced his candidacy, at a time a year and 3 months before the general election to be held this fall?

Mr. President, fortunately it happened that I was present at that entire conversation, and I state again upon my honor as a gentleman, upon my honor as a United States Senator, upon my honor as a citizen of the State of North Dakota in which I was born, that Mr. Keenan never offered anybody one single penny.

Mr. President, there are some in the State of North Dakota who were at that time, and who are now for reasons they think are entirely sufficient, opposed to the reelection of my colleague from the State of North Dakota, but I want to take this opportunity now to say that I resent the implication that is cast here upon the candidacy of Lynn Stambaugh, who is a candidate at the present time for the office of United States Senator on

the Independent ticket. May I say, Mr. President, that I did not support Mr. Stambaugh in the primary. I supported USHER L. BURDICK, one of the two Representatives in Congress from our State. In view of the fact that my colleague from North Dakota has chosen to take this matter up on the Senate floor, so that the press would print it and he could frank the speech and send it to every voter in North Dakota, rather than having it taken up in its proper place, which is the Committee on Privileges and Elections, where witnesses could be called and cross-examined and not simply affidavits and statements filed. Since, instead of bringing it up in the proper place, my colleague chose to bring it up upon the Senate floor, I shall stand in this same forum and reply item by item, paragraph by paragraph, to the statement the Senator has made, and I shall do so at the proper time. I could not at this time, however, Mr. President, permit to go unanswered the statement challenging the fine character of Joseph B. Keenan, because no one knows better than my colleague from the State of North Dakota that it was because of the hard, efficient work of Mr. Joseph B. Keenan, who as a lawyer, prepared the minority report at the time that my seat was challenged in this body, that the acts of Mr. Keenan have been challenged from that time on. So I say that in good time, and it will be soon, so that I can also frank my speech, I shall make a reply to my colleague. I shall reply in detail and give the reason for the opposition upon the part of various citizens of the State to my colleague having a seat in the Senate.

FEDERAL AID FOR POST-WAR HIGHWAY CONSTRUCTION

The PRESIDING OFFICER. The question is on the motion of the Senator from Arizona [Mr. HAYDEN] that the Senate proceed to the consideration of a bill, which will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

Mr. HAYDEN. Mr. President, this bill represents the considered opinion of the Senate Committee on Post Offices and Post Roads. The bill was reported to the Senate by me. However, it is not my particular bill, but is a committee bill carrying out the committee's views.

As I said a few moments ago, a number of Senators not members of the committee have proposed amendments to the bill. I suggest that they submit their amendments today, and have them printed, so that when the committee meets tomorrow morning it can give consideration to all the suggestions which may be made. I think such a course will expedite the consideration of the bill.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. RUSSELL. When does the Senator propose to press for final action on the bill?

Mr. HAYDEN. Tomorrow.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. TAFT. Am I to understand that after the amendments are submitted, the Senator from Arizona proposes to refer the bill and all the proposed amendments to the committee for consideration?

Mr. HAYDEN. No. But it very frequently happens that after a bill has been reported—

Mr. TAFT. I simply wanted to understand what the Senator's plan was. The Senator simply says that he will not press for a vote on the bill today, but that he will ask the committee, which no longer has the bill under its charge, to consider the amendments tomorrow morning for some possible effect on the vote tomorrow on the amendments? Is that correct?

Mr. HAYDEN. Mr. President, it very frequently happens that after a bill has been reported, the committee which reported the bill considers amendments to the bill, informally perhaps, and that may be the situation in this case. I would rather have the judgment of the committee as to whether amendments should be accepted than to accept them myself upon the floor, inasmuch as the bill is not my particular pet measure, but represents the judgment of the committee.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. BRIDGES. Why is not the proper thing for the Senator to do, to ask to have the bill recommitted to the committee? Why try to rush action on the bill now, to make it a special order?

Mr. HAYDEN. If the procedure suggested by the Senator from New Hampshire were followed the bill would go back to the committee, it would not be on the calendar, and the work would have to be done all over again. I was merely trying to obtain the advice of the committee. I wish to have the bill and the amendments sent to the committee, and have the committee's judgment on whether its members will accept the amendments rather than for me to accept them on the floor of the Senate.

Mr. BRIDGES. Why does not the Senator take action in the usual manner?

Mr. HAYDEN. I am taking action exactly in the usual manner. It is a procedure which has been followed time and again.

Mr. BRIDGES. It is an incorrect manner of handling the bill to undertake to make the bill the unfinished business, and then refer it back to the committee for consideration behind closed doors, and in an informal way amend it.

Mr. HAYDEN. I am sorry that the Senator cannot see my point. I am merely seeking advice.

Mr. BRIDGES. I see the Senator's point in trying to rush the bill ahead, but I cannot see why the Senator does

not do it in the correct parliamentary manner.

Mr. HAYDEN. If I were to ask to have the bill recommitted to the committee that would result in a loss of time.

Mr. BRIDGES. Certainly. Why the rush?

Mr. HAYDEN. The rush, I will explain to the Senate, if I may be permitted to do so, is that this is a bill which must be enacted promptly, because 45 State legislatures will meet next year, and this is the only kind of Federal aid whereby the States match the Federal money. The bill is based upon the assumption that the American people cannot enjoy prosperity without an adequate highway-transportation system. The question naturally arises as to what it will cost to have an adequate system of that kind. About a year and a half ago—and this is proof that the bill is not a measure simply pulled out of the clear sky—at a meeting of the Committee on Post Offices and Post Roads, where representatives of the State highway departments, the Association of State Highway Officials, appeared, suggestion was made that a proposal be worked out as to what we should do after the war in order to have an adequate highway system. At the committee's suggestion, the Association of State Highway Officials, about 2 months thereafter, submitted the draft of a bill. Their report was to the effect, that in order really to have the kind of transportation system the American people need and should have, about \$12,000,000,000 would be required to do a thorough and complete job. Their recommendation, however, was that \$1,000,000,000 be appropriated each year after the war for 3 years, or a total of \$3,000,000,000. In other words, it is proposed to do in a 3-year period approximately one-fourth of the total job which needs to be done in the United States.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. BRIDGES. Does not the Senator know that many States are unable to meet the matching requirements, and that the proposed expenditures would be a great deal more than the States could equitably meet?

Mr. HAYDEN. That was one reason why I was about to say that the House of Representatives, in considering the bill, decided that \$1,000,000,000 a year of Federal aid was more money than the States could match. Therefore the amount was reduced to \$500,000,000 a year. The committee reported the bill to the House in that form after very extensive hearings. I think the hearings in the House lasted 2 or 3 months. Everyone was given an opportunity to be heard. I believe that that judgment was sound. I believe that an expenditure of \$1,000,000,000 a year for Federal aid would be more than the States could match.

To get to the problem itself, \$12,000,000,000 sounds like a great deal of money to improve a Federal highway system. Even \$3,000,000,000 sounds like a great deal of money; but we have actually invested in our highway system at this

time \$42,000,000,000. That is the investment which the American people have made in their roads and highways as they stand today. Operating on those highways, when the war began, there were 34,400,000 motor vehicles, more than twice as many as all the other nations of the world combined had. The system represented an investment of \$50,000,000,000. Those are astronomical figures, but figures of that kind are required to illustrate how great and how important is the transportation problem in the United States.

Mr. WEEKS. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. WEEKS. Does the Senator have figures at hand to show the largest amount of money which the States have ever put up to match the Federal allotment in any one year?

Mr. HAYDEN. I know that it is not as large as the amount in this bill, because Congress has never appropriated such a large sum.

Mr. WEEKS. Does the Senator know what the actual figure is, representing the greatest amount of money which has ever been matched by the States as a whole?

Mr. HAYDEN. That information is readily obtainable, but I do not happen to have it with me.

Mr. BRIDGES. Mr. President, will the Senator further yield?

Mr. HAYDEN. Certainly.

Mr. BRIDGES. In his general discussion the Senator has been speaking of the importance of the transportation system and the importance of good roads, to which we all agree. However, I for one wish to see this program proceed on a reasonable and sane basis. The Federal Government is now deeper in debt than it has been at any time in the history of our Nation; and yet it is proposed to change the basis of the allotment to the States from the old 50-50 basis to the basis of a 60-percent contribution by the Federal Government and a 40-percent contribution by the States. It is proposed to appropriate for Federal roads more money than was ever before appropriated in the history of our country. I should like to see the program placed on a reasonable and sane basis.

Mr. HAYDEN. What would the Senator consider a reasonable and sane basis? Can the Senator give exact figures?

Mr. BRIDGES. I shall do so in due course.

Mr. HAYDEN. I am interested to know the Senator's views.

Mr. BRIDGES. The basis I have in mind is substantially below the figures in the Senator's bill.

Mr. HAYDEN. There will be an opportunity for the Senator to offer amendments reducing the amount to be appropriated, or changing the ratio of apportionment. The committee makes this recommendation, and I am ready to defend the recommendation of the committee.

Mr. REED. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. REED. I interrupt the Senator only to obviate any atmosphere of sus-

picion in connection with the subject. There is no occasion for alarm on the part of any Senator. There is some question as to whether the States can match the full amount of \$650,000,000 carried in the bill for 3 years. There is no question about their being able to match the Federal appropriations the first year, in the case of virtually every State. The reason for haste—I do not like that term—the reason for prompt action is that we should go on record, after a year and a half of the fullest consideration, with the aid of the State highway officials, and should act promptly in order that the States may know what they will have to meet when the legislatures convene next year.

There is every reason in the world why this bill should be given consideration and promptly passed. I agree with the Senator from Arizona. Some important amendments have been submitted. We have had a hasty discussion, and conferences have been held on the floor of the Senate. So far as I am concerned, I should like to have the Committee on Post Offices and Post Roads meet tomorrow morning and consider the amendments, so that we may examine them as individual members of the committee, and in order that the committee may, if it wishes to do so, express an opinion as a committee, or individually. I believe that such procedure would be much better than to try to resolve important questions on the floor of the Senate. I assure my colleagues that there is no occasion for undue concern.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. BRIDGES. Is the Senator from Kansas in favor of recommitting the bill to the committee of which he is a member?

Mr. REED. No; I do not believe that that is necessary. If the motion of the Senator from Arizona should prevail—and I hope it will—and the bill should be made the unfinished business of the Senate, then by agreement it could go over until tomorrow. Tomorrow morning the Committee on Post Offices and Post Roads could meet and consider the amendments in committee. Then tomorrow there would be full opportunity for discussion and debate.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. BARKLEY. There is nothing unusual about a committee considering amendments to a bill while the bill is pending before the Senate. Frequently committee amendments are offered after a bill has been reported to the Senate and before it has been disposed of. If the amendments have the sanction of the committee, they are presumed to carry more weight. So it is unnecessary to recommit the bill to the committee in order to have the committee suggest amendments, or express its opinion with regard to amendments which are submitted.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. BRIDGES. Does the Senator from Kentucky like to legislate in that manner? Does he call that good legislative procedure?

Mr. BARKLEY. I do, if the committee considers the question properly.

Mr. BRIDGES. I wish to remember that, because I know of other instances in which the Senator has not held the same view.

Mr. BARKLEY. The Senator may try to lead me into a trap; but I see the trap into which he is leading me before he gets to it. I say that when a committee has reported a measure, and during the pendency of the measure before the Senate, it frequently happens that the committee desires to offer amendments, which are known as committee amendments. Frequently when an amendment is offered on the floor of the Senate a Senator will ask, "Has the amendment had the consideration of the committee?" If it has not, and he is opposed to it, he uses that fact to oppose the amendment. If the amendment has been endorsed by the committee, Senators who favor the amendment use that fact in favor of the amendment. So there is nothing unusual or vicious about a committee considering amendments which are submitted after a bill has been reported to the Senate. It seems to me to be much wiser for the committee, in deliberation, to consider amendments and make some suggestion or report on them than for us to try to pass upon them on the floor of the Senate without permitting the committee an opportunity to consider them.

Mr. LINGER. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. LINGER. To substantiate what the distinguished majority leader has said, I may add that I am a member of the committee. We have held only two or three meetings, and they have been brief. Since the bill has been printed and mailed to my constituents in North Dakota, I have received a great many suggestions in connection with the bill, and I should like to have an opportunity to submit them to the committee as a whole before we proceed with the consideration of the bill.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. MALONEY. I should like to refer briefly to the observation of the Senator from Kentucky Mr. [BARKLEY]. The procedure suggested is at least mildly unusual, because no hearings were held on this particular bill. I am not offering any criticism of the chairman of the committee, or of the committee itself. I think it is a little unfortunate, however, that we were not afforded the opportunity to appear at hearings on the bill, in order that our views might be presented before the bill was reported to the Senate. I am not greatly dissatisfied, up to this time, because I have prepared several amendments of my own, one of which would reverse the ratio of contributions and provide for a 60-percent contribution on the part of the States and a 40-percent contribution on the part of the Federal Government.

At a time when the Federal Treasury is empty, and a majority of the States are exceedingly well-off financially, I cannot see wisdom in such procedure as has been suggested. Quite apart from that, I am fearful that if we take such a step as is proposed, we may later abandon the age-old practice of States and State highway commissions directing highway affairs within the States. If we were to take such a step as is proposed, I fear that ultimately the road program of the country would be entirely centralized in Washington. I believe that that would be unfortunate.

I thank the distinguished Senator from Arizona.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. RUSSELL. It always pains me to differ with my good friend from Arizona. However, I believe that this bill is out of balance, and proposes to appropriate entirely too much money. I do not believe that we could possibly justify borrowing almost \$2,200,000,000 for the purposes of this bill, to pyramid on top of the present public debt, unless the program were in some way related to the relief of unemployment. If it were proposed to spend the money in a period of unemployment, this tremendous program could be justified. However, it is distinctly another thing to authorize such large expenditures at a time when the rate of employment is high and everyone who wants to work can find a job.

I rose to ask my friend whether or not the bill would change the system which we have had heretofore, with respect to railroads contributing to the elimination of grade crossings. I have read the bill hurriedly, but so far as I can see, the cost of eliminating grade crossings is proposed to be saddled entirely upon Federal or State taxpayers, and the railroads would not contribute anything to the cost of eliminating grade crossings. Heretofore they have been required by law to contribute.

Mr. HAYDEN. The Senator is mistaken in that respect. In connection with the elimination of railroad grade crossings, no change from the existing law is proposed in the bill.

Mr. REED. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. REED. I should like to make an observation for the benefit of the Senator from Georgia.

The Federal Government would not have to borrow any money to carry out the provisions of the bill. In my State, and in other States, there is a constitutional prohibition against using money collected by taxing highway users for any other purpose than that of highway improvement. The Federal Government has been collecting from highway users at the rate of approximately \$640,000,000 a year. Information as to such collections can be placed in the RECORD in detail. I make that assertion today to clear the atmosphere. Highway users would pay to the Federal Government, in taxation, all the money required by the bill over the 3-year period during which the Federal Government would

contribute 60 percent and the States 40 percent.

Mr. TAFT. Mr. President, will the Senator yield to me?

Mr. REED. In just a moment.

Mr. President, I agree that 50-50 is the old, historic basis, and should be continued. But temporarily we need a little different treatment of highways. We have not done anything on them for 3 years. We have not constructed any new ones. We have not even maintained the ones we have. The great cities have complained about the inadequate maintenance of highways to the centers of population. In the bill we have made provision for highways serving the densely populated sections.

I am sure the Senator from Georgia was not cognizant of what I have said—

Mr. RUSSELL. Oh, yes, Mr. President; I was cognizant of the argument the Senator is making. I have heard it often before. It is the most specious argument I have ever heard advanced by intelligent men. The Federal Treasury is now bare. We are confronted with a national indebtedness which will reach the staggering sum of \$300,000,000,000. The carrying charge of that indebtedness will exceed \$6,000,000,000 every year, which is more than the entire National Budget in ordinary times. With this condition staring us in the face, we are solemnly told that we should allocate such sums of money as are paid in taxes by a certain class of citizens for a specific purpose without regard to liquidating the indebtedness, paying the interest, or considering the other essential expenses of the Government. Some of these taxes are what are commonly called war taxes, and yet we are told that all of them, at a time when the national debt and carrying charge is such a stupendous amount, should be spent for the specific purpose of building highways because the taxes are paid by those who own automobiles. It would be just as reasonable to say that no sum should be applied to the payment of the public debt unless it were paid in taxation by those who hold Government securities. Such a proposal might have validity if it were not for our national obligations, but it just does not make sense to me when we are emerging from a great war and are so heavily burdened with debt.

Suppose an individual who owed a great deal of money and had some race horses were to budget his funds so as to expend all of his winnings by his horses in playing the races but continued to increase his borrowings to cover his losses. It would not be long until he would be in the bankruptcy courts. This argument in support of the present proposal may be attractive to some, but it does not appeal to me when I consider our national obligations.

In the first place, this bill proposes Federal expenditures amounting to about \$700,000,000 annually, which is in excess of the amount derived from automobile owners at the present time. By allocating these large sums for this purpose we are sure to increase the national indebtedness any way you figure it. I am not willing to agree that we should spend

tax money for the benefit of a certain class of taxpayers any more than we could properly allocate the taxes derived from cigarettes solely for purposes beneficial only to cigarette smokers.

The people of the country and the Members of the Congress have become so accustomed to these large appropriations that I fear we are becoming callous to the responsibility of the Treasury to the holders of Government obligations.

Mr. President, the time will come when we will be forced to consider the magnitude of the public debt. I believe it is here now. I have always advocated expenditures for public-works projects at times when any considerable number of the people of the United States were unable to find work. I have advocated large appropriations on this floor for the benefit of classes of our citizens who were suffering on account of some economic dislocation. I have even been called a radical on account of my views on public spending. However, I do not think that such large expenditures can be justified unless they are made in a period of great unemployment. With conditions such as they are, we should be careful about obligating the Federal Government to the expenditure of nearly \$2,200,000,000 for the purposes set forth in this bill. There will be a time when a public-works program will be necessary, and if we are to proceed with such vast expenditures when they are not needed to give employment we will find ourselves in a time of need unable to finance such a program.

There is a great deal of advocacy today of costly public-works programs such as are contemplated by this bill. Many others are clamoring for an immediate reduction in all taxes upon the cessation of hostilities. So far I have failed to see any program or indeed any general demand for the reduction of the public debt. Several plans have been advanced for both taxes and expenditures in the post-war years. I have seen none for the reduction or retirement of the public debt. Recently I saw an article in the United States News, an able and conservative newspaper, proposing various post-war budgets. One was based on a probable income of \$80,000,000,000; another on a probable annual income of \$100,000,000,000, and still another which envisioned an annual income of \$120,000,000,000 by our people. In not one of these budgets, including the highest, was 1 dime set up for the retirement of any part of the public debt. All of the proposed budgets contained an item of \$6,000,000,000 for the payment of the interest on the debt, but none of them set forth a specific fund for the purpose of retiring any part of it.

Mr. President, it is disturbing to me to see practically all of our people who are thinking in terms of the post-war budget show no interest in reducing the public debt. When are we to pay for this war? Has everyone in this country subscribed to the philosophy of those who contend that it is a good thing for this country and our people to carry on deficit financing indefinitely at a time when the public indebtedness will probably reach \$300,000,000,000? For my part I do not sub-

scribe to that theory. With the exception of those who have gone into the armed forces, there has been practically no sacrifice on the part of our people in this war. But pay day will come sooner or later, and we will have to pay for it in one way or another. It will not be openly repudiated. It can only be paid by high taxes and prudent spending, or it will be paid through inflation and reducing the value of the dollar. This of course would be a method of repudiation, to which we should not resort. We should pay as much as possible of the public debt while times are good, income is high, and money is abundant. The locked-up buying power of the American people will carry us for some years, but sooner or later we are sure to run into fiscal difficulties in this country. The extent of our troubles will be largely determined by the amount of the public indebtedness. When the depression does come, how will we be able to finance a huge public-works program with such a debt? How would we finance another war in case we should be again attacked, which God forbid, if we start into hostilities with an indebtedness of \$300,000,000,000? We must not close our eyes to the difficulties which may require large expenditures in the future. I propose to be very careful about helping commit ourselves to large expenditures or to drastic reduction of taxes in this period of prosperity until there has been some provision for an orderly retirement of a substantial portion of our public debt. We will certainly never get around to retiring any of it if we accept the theory that the money paid as taxes by special groups of citizens into the common Treasury should be allocated and appropriated for the benefit of the class of taxpayers who paid the money.

Mr. TAFT. Mr. President, will the Senator yield to me?

Mr. HAYDEN. I should like to ask the Senator from Georgia a question, because I am interested in his philosophy.

Mr. REED. Mr. President, will the Senator permit me to make an observation?

Mr. HAYDEN. I should like to ask the Senator from Georgia a question before I yield, because I am interested in his philosophy.

I am sure the Senator will concede it to be true that if there is substantial unemployment in the United States—unemployment of, let us say, 3,000,000, 4,000,000, or 5,000,000 persons—there certainly must be some sort of public-works program.

Mr. RUSSELL. I would certainly support it in that event. But I would not want to meet that condition and find that we have a still larger public debt to carry and be unable to afford relief to our people on account of our failure to exercise good judgment in times of prosperity.

Mr. HAYDEN. Let me ask the Senator another question. Is it better to plan ahead and to have a program of sound projects ready, so that if there is unemployment—and it is to be assumed that there will be some, at least—the money will be expended in a proper way, or shall

we wait until the unemployment is actually with us, and then improvise projects, as we did under the W. P. A.?

Mr. RUSSELL. If the Senator will adopt in his bill the philosophy he has just expressed, I shall be happy to support it. If he will insert in the bill a provision that the program will not take effect until we have any reasonable number of unemployed in this country, I shall withdraw any objection.

But the bill as presented has absolutely no relation to a depression, to unemployment, or to hard times or to the cost of materials or to the cost of labor. It is a flat three year proposition, providing for the expenditure of approximately \$2,200,000,000 from the Federal Treasury, although actually we would have to borrow that money at a time when we should be enjoying relative prosperity and reducing the debt. There is a huge spending power in this country which will carry us over the first year or two after the war has ended; I think most of us agree that that is the case. Without regard to conditions in the country, under the terms of this bill there will be expended in the first year it is in effect, including the funds contributed by the States, around \$1,500,000,000.

If the Senator will amend his bill with a provision that it shall not take effect until there are a certain number of people unemployed in the country—any reasonable number of unemployed who are unable to find work elsewhere—I shall be happy to support the bill. The construction of public roads is one of the most important and useful features of any necessary public works program that the Congress could possibly adopt. I have always fought for priority for public roads in all of our programs of public works. But any such pretentious program as is envisioned in this bill should have some connection with or relation to the need for the prevention of unemployment. As the bill stands now, this is not the case.

Mr. HAYDEN. Mr. President, if the Senator will pardon me, let me say that I have proceeded on an entirely different assumption. I have assumed that we cannot have prosperity in the United States without having an adequate transportation system. It is conceded that we do not have such a system now. It is just as essential as any other element to our prosperity. It is just as much a cost to the consumer, whether it is paid for in the cost of transportation or in the cost of materials or in the cost of labor. We pay for these roads, regardless of whether we have them.

Mr. REED. Mr. President, will the Senator yield to me for an observation?

Mr. HAYDEN. I was about to yield to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I should like to ask the Senator from Georgia whether he would suspend indefinitely a road construction program because of the fact that the Government is in debt.

Mr. RUSSELL. No; that is not my position, and I did not make such a statement. I am willing to support a reasonable measure for road construction and improvement to commence imme-

diately upon the end of the war and the availability of materials. My objection is to the magnitude of this proposal. I am perfectly willing to go along with a reasonable proposition. I think I am correct in the statement—and the Senator from Arizona can correct me if I am in error, for he has been the author of most of our highway legislation—that \$135,000,000 is as much as we have ever authorized in any 1 year heretofore from Federal funds to assist the States in highway construction. This does not include, of course, the unusual public works grants incorporated in public works programs to combat unemployment. As compared with this sum, the pending bill proposes to spend nearly \$2,200,000,000 over a 3-year period. It proposes to spend \$650,000,000 a year for the construction of roads in and between towns and cities, in rural areas, and for the elimination of grade crossings. It proposes to increase the appropriations for forest highways to \$25,000,000 a year for 3 years, with the additional sum of \$12,500,000 for forest development, roads, and trails. It appropriates \$12,750,000 a year for roads and trails in national parks, with the additional sum of \$5,000,000 a year for access roads to national parks and national monuments.

This will take approximately \$700,000,000 a year from a National Treasury which will lack \$300,000,000,000 of having any money in it. Instead of so much talk about reducing taxes and appropriating money to be spent after the war, we should tackle this gigantic public debt. How are we going to pay it? It will not be paid by reducing taxes and increasing expenditures on such vast public works programs.

The Senator has said that the roads are wearing out. I concede that many of them are in bad shape and in need of repair. However, we must bear in mind that there is nearly \$150,000,000 of money heretofore appropriated for public roads which the States can match for expenditures immediately after the war, or on essential projects at the present time. I should like to point out, also, that it is proposed to put this program into effect at a time when there will probably be fewer automobiles on the highways than we have seen for several years. No new automobiles have been produced for some time, and I recently heard that the average age of those in use at the present is 7 years. I also recently read a statement that around one and a half million automobiles are wearing out and going off of the roads every year. By the time that automobiles are back in production and the average person is able to buy them, we may have reached the need for a public-works program, and we can then build the roads.

There are other things in the bill which are innovations. One of them is a provision to permit the use of Federal funds, as I now understand, to buy rights-of-way. That has been done in special public-works bills in the past, but I think I am correct in saying—and I have tried to keep up with this legislation in the past—that this is the first time in a Federal-State aid roads project that we have authorized the Federal Government

to buy rights-of-way. I do not think such a departure is a wise one. The States and counties can buy the rights-of-way for much less than the Federal Government can buy them.

Mr. HAYDEN. Mr. President, the Senator is entirely mistaken in that respect. We aid the States in acquiring rights-of-way, but there is no Federal condemnation.

Mr. RUSSELL. I know that there is no Federal condemnation of lands for highways. However, it will be impossible to keep the jurors who pass on condemnation cases from knowing that the Federal Government is contributing funds to pay for the lands condemned. They will either read it in accounts of this legislation or the defense attorney will get word to them. It is perfectly natural for jurors to award larger verdicts when the Federal Government is footing the bill. If the juror is a taxpayer in his county and if he realizes that the funds to pay for the lands condemned will come from the county treasury, he will make a much more modest verdict than if the funds are provided by the Federal Government. He will come much nearer to arriving at the true value of the lands. I think that this departure from the present system is very dangerous. It will cost more money, and will give the Federal Government more authority over the States in the matter of highway construction.

Mr. McCLELLAN. I assume that the Senator is not opposed to Federal highway legislation along such normal lines as we pursued in the past.

Mr. RUSSELL. I have just offered an amendment which would strike out from the bill the sum of \$1,950,000,000, reduce it to \$600,000,000, and make the expenditures \$200,000,000 a year instead of \$650,000,000. This sum will be about \$65,000,000 more than we have ever spent for such purposes in any previous year. I hope that the Members of the Senate will consider the amendment when it is reached.

Mr. McCLELLAN. The amount which the Senator has indicated would be for all purposes?

Mr. RUSSELL. Yes.

Mr. McCLELLAN. I agree with the Senator in what he has said about the national debt. It becomes the duty of Congress as well as of all responsible Government officials, to take the matter into account. Only a few days ago there was before us for consideration—and is now in conference—a proposal to appropriate many billions of dollars for unemployment compensation. I say to the Senator from Georgia that I think that such a program is too ambitious, but certainly legislation of this character is needed.

Mr. RUSSELL. I grant that some legislation should be enacted to provide for the normal Federal aid road program.

Mr. McCLELLAN. It is far sounder to have ready projects which will furnish employment on a safe basis than to propose measures which are almost unlimited, or ultra ambitious in providing for unemployment compensation. Legislation establishing projects by which both State and Federal funds would be

used would provide employment on projects that would add to the capital wealth of the Nation. That would be a much sounder policy or philosophy than to undertake to appropriate huge sums of money and provide machinery for the payment of unemployment compensation. I do not say that I favor the bill in its entirety, but I favor the program of post-war highway construction.

Mr. RUSSELL. I subscribe to the statement of my friend, the Senator from Arkansas, and if he will relate this bill to unemployment and a public works program to relieve distress and give work to those who need it I shall support it. This is not an ordinary Federal aid to highways measure.

In its present form it is proposed to put into process the expenditure of almost \$1,500,000,000 for the first year in carrying out a road program at a time when we would have less unemployment in this country than we have ever had before.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. TAFT. As I understand, the bill would not only authorize the expenditure of vast sums of money, but would have an absolute bearing on contracts by the Federal Government for the expenditure of \$650,000,000 the first year. So we are asked to determine now a part of the post-war budget.

Mr. HAYDEN. There is no question about that. Legislation cannot be enacted and obtain cooperation of the States unless they have a firm understanding that if they bear their share of the financial burden, the Federal Government will perform its share of the work.

Mr. TAFT. It has been suggested that the highway users will be paying the money. As a matter of fact, a 1-cent gasoline tax produces about \$200,000,000 a year. A tax of one-half a cent, which was added before the war and which should be taken off, will return another \$100,000,000 of the \$650,000,000. All the excise taxes have been levied for war purposes, not for road purposes. The present tax should be reduced, so that during the 3-year period of spending \$650,000,000 a year we will not raise from the automobile users anything like \$350,000,000, or anything like the sum raised before the war started, which, as I understand, was approximately \$300,000,000.

Mr. HAYDEN. As I understand, the Senator from Ohio does not object to a gasoline tax, and a tax on automobile parts if he knows the money will be used in the construction and reconstruction of roads. Of course, if the money collected is to be diverted and used for other governmental purposes the tax should not be collected.

Mr. TAFT. Is it not true that in many States money is being raised by a tax imposed on the purchase of gasoline and used for other purposes? We are being asked to help States take money away from the highway users and divert it to other purposes. Under the bill the States would come to the Federal

Government and ask for 60 percent of the money to be used.

Mr. HAYDEN. I think the bill would do more to prevent diversion of funds by State legislatures than anything else that we could do. During the depression, when very little highway work was being done, State legislatures diverted funds collected through gasoline taxes because they were hard up. The States are now in excellent financial condition, and the time to bring an end to the diversion of gasoline-tax funds by the States is now.

Mr. TAFT. The bill does not state that it will stop diversion on the part of the States.

Mr. HAYDEN. The existing law provides that if there is any further diversion of funds after the enactment of the law, the States will not receive any further aid. Some States will cease diversion if substantial sums from the Federal Government are made available to them.

Mr. TAFT. Mr. President, will the Senator further yield to me?

Mr. HAYDEN. I yield.

Mr. TAFT. I wish to make a suggestion to the Senator. It seems to me that this matter is of such tremendous importance, involving as it does a new policy and affecting one of the most important post-war problems, that consideration of it should be postponed until after election. Fifty-six Senators are present today. That is more than a quorum. But so far as I am concerned I cannot be present tomorrow. Frankly, we have an Ohio State Republican convention in session tomorrow, and I plan to be present. Other Senators who are absent are presumably away because of similar obligations. This is the first time we have been asked to consider a post-war budget. For the first time we are proposing to fix an expenditure of the Federal Government for the post-war normal budget. For the first 3 years after the war it is proposed that the Federal Government commit itself to a \$650,000,000 program for roads. I think that amount is large. I have not gone over the budget. No one has yet attempted to say what the budget will amount to. If we have any prosperity at all, how much money will we raise after taxes are reduced? I do not know. If we can raise \$17,000,000,000 I think we will do very well. Our budget will call for approximately that sum of money.

Of course, money for public roads and public works should be provided in the budget, but how much? I cannot personally judge. I think the Federal Government should put into its budget provision for whatever public works are worth while, whether they be rivers, harbors, roads, or anything of that nature, on the basis of whether the work is worth performing. I admit that the roads are probably the most justified form of public works. How fast we can rebuild our highway system, or repair losses, I do not know. I do not see how the determination of whether it will take 3 years or 10 years can be made until we know what the post-war budget will look like.

I appeal to the Senator to defer consideration of this bill until after the November election. We can take it up then. A great deal of work is being done on both post-war expenditures and post-war taxes. I think we can get a fairly reasonable picture of what the post-war program will be. After the war there will be many tag ends. The Army will be somewhat reduced. However, we should raise enough money to pay the normal expenditures which will be involved in the post-war program.

I disagree with the theory that unemployment can be cured by a public-works program. I do not think that a billion dollars spent on public roads would give employment to more than 500,000 men.

Mr. HAYDEN. I think the Senator is correct in that regard.

Mr. TAFT. I believe that approximately \$2,000 on work of this character will be required in order to provide one job, taking into account all the facts of the program. After the war we will have to employ approximately 55,000,000 persons. Not 500,000, but 55,000,000. My only hope of employing persons in the post-war period is to have sound business and a sound financial structure. We must establish a tax system which will encourage persons to go into business and provide jobs. A public-works program will help unemployment to some extent, but I have not seen any public-works program yet that will help very much. A \$5,000,000,000 program will not provide employment for more than two and a half million men out of a total of 55,000,000 who will need employment. Our whole attention should be centered on stimulating private enterprise, and public-works programs are not justified as a means of curing unemployment, certainly not in the initial period.

Public works ought to be supported on the basis of their essential soundness. I am willing to go along with that, and pay just as much for public works as I think we can afford out of the entire budget. I do not know how much that may be. It may be a billion dollars, and if a billion dollars is provided for public works it may be that \$650,000,000 is the right amount for roads. I do not know. However, particularly since the Senator admits there are many things that ought to be considered, and since the Senator from North Dakota [Mr. LANGER] says there were only two or three meetings of the committee and this has to do with a fundamental question of Federal policy in the post-war period, I think the bill ought to go back to the committee and the committee ought to give consideration to the fundamental questions I am stating, and try to relate the bill to the post-war budget. I know the George committee is doing the same thing with the general subjects of a post-war budget and post-war taxes. I really appeal to the Senator to take this bill back to the committee, study it thoroughly, and I shall cooperate certainly a hundred percent after the election in trying to work out this problem and to get this thing done by the time the legislatures meet in January.

Mr. HAYDEN. The difficulty about that is that after the election is over

maybe the bill will come back and maybe it will not. We cannot tell what the political effect is going to be. I do know that this is a matter which must be passed upon by the State legislatures.

The Senator from Ohio should make the distinction that this is the only type of public works as to which the States are compelled to contribute in order that the work may be done. If we are going to go into other types of public works all at Federal expense, I would say "Yes, it would be well to include them all and see what the total would be, but highway work can be differentiated from every other kind of public works because of State cooperation." In order to obtain State cooperation it is necessary to give the States advance notice. There is one fact that no one can dispute, namely, that it usually takes on a highway job of any consequence as long to plan it as it does to build it. It is necessary to look a long time ahead and long notice must be given the States in order that the job may be done.

I remember very well when we provided the first appropriation for works for unemployment in 1933. We appropriated \$3,300,000,000. Nobody in either branch of Congress would ask that that money be spent upon substantial public works that would add to the wealth of the Nation. What happened? We appropriated money but there were no plans. The money was allocated where there was supposed to be some planning, but it could not be spent, and in the meantime, off in one corner, Mr. Harry Hopkins began with the W. P. A. He had a very small appropriation, and soon exhausted his funds. Then any money allocated, after larger public works extending beyond a year, was turned over to Mr. Hopkins, and so, in the course of time we spent more money in the depression era through the W. P. A. than we spent upon standard public works. That is the fear I now have, that we will waste the public funds because of lack of planning. We cannot do the planning. If the States are to do the work they must do the planning, and must have advance notice.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. TAFT. Is it not true that the States are now planning? I know our highway department already has adequate plans for roads which are to be built. I have no objection to appropriating money to help them go ahead with plans. There is such a provision in the George bill which we are now considering in conference. If the only question is to help the States in their planning, that is a very simple thing, and we would not have to appropriate \$650,000,000 immediately for their planning.

Mr. HAYDEN. There could be planning in a vague and general way, but if there is something specific there could be a real job of planning.

Now, I desire to discuss the question about the size of the bill which has been criticized on the floor of the Senate.

Mr. BUSHFIELD. Mr. President, will the Senator yield for a question?

Mr. HAYDEN. I yield.

Mr. BUSHFIELD. The Senator spoke about the necessity of time for planning. Is it not a fact that every State highway commission in the country has a whole group of projects which have already been planned and approved by the Bureau?

Mr. HAYDEN. Those are comparatively small projects. They are of no great consequence.

Mr. BUSHFIELD. Oh, no; there are great arterial highways running through our States, hundreds of miles of highways, planned for years, and ready to go ahead.

Mr. HAYDEN. We heard that same story before, but when the time came the projects did not materialize.

Now, Mr. President, I wish to discuss the size of the bill, because it has been criticized generally. The Association of State Highway Officials said that in order to do an efficient job, in order to have an adequate system to take care of traffic which was then on the highways and which it is expected will be on the highways after the war, there ought to be merely, as a cold-blooded business proposition, a billion dollars a year spent each year after the war. That is what it will cost. The argument was made that there were States that could not match so large a sum of money. So it was proposed to reduce the amount. We arrived at this point based upon the amount of money collected by the Federal Government from the road users.

We have very good authority for adopting that provision. Senators will remember that Republican governors met with Mr. Dewey in St. Louis—

Mr. BUSHFIELD. Mr. President, will the Senator yield for another question?

Mr. HAYDEN. I should like to read what the governors said.

Mr. BUSHFIELD. I should like to understand in my mind what the Senator has said.

Mr. HAYDEN. I said we recommended \$650,000,000 a year because \$650,000,000 is the closest approximation of what we believe the Federal Government will collect during the period from the users of highways under the present Federal taxation schedule on gasoline, oil, tires, tubes, and automobiles.

When the Republican governors met in St. Louis this was the declaration they made with respect to highways. I read it in full:

Federal aid in building and maintaining highways, as carried out under Republican administrations and since continued, is a sound and comparatively harmonious program.

In principle, taxes collected by the Federal Government from gasoline and from motor vehicles should be wholly devoted to highway purposes and distributed equitably among the States.

Actual construction by the State governments has demonstrated how eminently successful such cooperative enterprises can be when State responsibility is recognized by the Federal Government and accepted by the States. This practice should be continued.

The Governors of the States knew about their highway departments. I have no doubt that if an equal number of Democratic Governors were assembled they would make the same kind of a declaration.

I can see no reason for delaying consideration of this bill beyond the time the Senate may make up its mind. We are wholly familiar with the principle of Federal aid. We adopted it in 1916. Now we come to a time when we realize that our highway system is not adequate to meet the needs of the country. It was not adequate at the time we went into the war, and everybody knew it. We have the terrific problem of bottle-necks, getting in and out of cities, traffic jams. The greatest problem of millions of Americans today is how they are to go from where they live to their jobs and back without getting tied up in traffic. That is the city problem. The country problem is when the farmers are growing greater crops than ever how can they get their products from the farm to the market without getting stuck in the mud.

There are two great highway problems. So far as the main trunk-line highways are concerned, the problem is fairly well solved, and people can travel over the country. There are about 225,000 miles of that kind of highways. But a survey of the strategic network of highways in the United States disclosed that there are 150,000 miles of such highways that ought to be improved. They have too many curves, they have a type of bridges that will not carry the strain and stress. So we have not a perfect system of highways; and if we are going to try to run the country in 1946, 1947, and 1948 on 1930 roads we cannot have prosperity.

Mr. REED. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. REED. I wish to thank the Senator from Arizona for yielding so generously, and to explain that when the Senator from Georgia took us both off our feet, without any regard for the rules of the Senate, I was going to conclude with this statement:

The urgency of this case comes from the State highway commissions and the State highway officials. I sat in conference in the Committee on Post Offices and Post Roads with these officials a year and a half ago when they laid down the broad principles of a program for a billion dollars a year on a 75-25 basis, if you please.

There will be ample opportunity for discussion of this matter tomorrow. I hope the motion of the Senator from Arizona will prevail, and then that the Committee on Post Offices and Post Roads will consider the amendments, express their judgment if they desire, and tomorrow we may proceed with the general discussion of the merits or lack of merits of this case.

I want to make only one more statement, Mr. President, and that is that without exception all highway departments in this country employed by the States and representing the States want us to say what we are going to do and what is going to be available for them to work with next year, because they must obtain authority from their legislatures before they can do anything beyond routine work.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. KILGORE. I wish to say one other thing, that due to the shortage of transportation—and I happened to notice it all over the United States, and particularly in my State—trucks have been greatly overloaded and have been driven over highways which the States have not had the materials to maintain and keep in proper repair. I know of nine counties in my State in which the road system has almost ceased to exist due to war needs and the fact that we were putting 10-ton loads on 2½-ton chassis in order to get material to places where needed.

I think the time has come when we should give the State road commissions a chance to make their plans, and give them some help if we expect the road program to proceed.

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Arizona yield to the Senator from South Dakota?

Mr. HAYDEN. I yield.

Mr. BUSHFIELD. A thought occurs to me in connection with the proposal of the Senator from Arizona. He stated that the road program was based approximately upon the amount of money the Federal Government collected by way of Federal gas and oil taxes. There is a general feeling throughout the country, and especially back in the States, and I know, on the part of Members of Congress, that the tax in question was an emergency tax placed upon gas and oil at a time when the money was needed for the emergency, and that the tax should be repealed as soon as the war is over. We may repeal that tax as soon as the war is over, and the Senator now is proposing to expend a couple of billion dollars based on something which may not be in existence when the time comes to make the appropriations.

Mr. HAYDEN. I am assuming that if Congress passes the proposed legislation we will retain the gasoline tax; that if Congress does not pass the proposed legislation, the gasoline tax will be repealed. The two things go together, according to the declaration I have read.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. STEWART. The Senator made a motion, as I understand, to recommit the bill to the committee?

Mr. HAYDEN. No; the pending motion is to proceed to consideration of the bill.

Mr. STEWART. Then it is not planned to recommit the bill to the committee?

Mr. HAYDEN. Oh, no; not at all.

Mr. STEWART. I was out of the Chamber when the Senator made some statement along that line.

Mr. HAYDEN. I made the statement that I thought it would be advantageous to the Senate if members of the Committee on Post Offices and Post Roads, who are familiar with the subject, could be given an opportunity to look over the proposed amendments which Senators may offer, so that if acceptable to the members of the committee, they could recommend acceptance, rather than that I should do so on the floor of the Senate.

Mr. STEWART. Then the motion is to proceed to consideration of the bill now, and the Senator from Arizona proposes to press the motion at this time?

Mr. HAYDEN. The pending motion is that the Senate proceed to the consideration of the bill.

Mr. STEWART. I will say to the Senator that I have amendments which I shall offer.

I listened to the very able statement made by the Senator from Georgia [Mr. RUSSELL], who, by the way, I did not understand to take either the Senator from Arizona [Mr. HAYDEN] or the Senator from Kansas [Mr. REED] off their feet. I thought he abided by the rules of the Senate. However, his statements were very persuasive and full of good sense and good judgment. Of course, the time will come—the time, as a matter of fact, is always here in one degree or another—when we must give consideration to the amount of the public debt and the ability of the country to repay it, but I look upon this road bill, I will say to the Senator from Arizona, in a somewhat different light. I think there is a definite need for rebuilding many roads in this country. For the past few years, not only since the United States has actually been engaged in the war, since December 7, 1941, but in the preceding period, to which we refer as the time when we were preparing for our national defense, road-building material was not available, and most States were not only unable to build new roads but were unable to repair old roads, to keep the roads which were already in existence in a fair and reasonable state of repair. In the past 4 or 5 years, which is about the period of time my observation has covered, most of us have traveled about in various sections of the country and have seen the condition into which the highways and the roads have been allowed to fall by reason not only of inability of the States and the counties to procure the necessary materials for road construction but also by reason of the serious manpower problem, when our whole country has had its shoulder to the wheel in an effort to keep our fighting men on the various fronts of the earth equipped with the necessary sinews of war. So, for that reason, it is necessary that pretty soon some attention be given to the road situation.

The Army itself has carried on training and other operations throughout practically all the 48 States of the Union, and I know that particularly in the middle section of my State of Tennessee, where maneuvers were held for a solid year, almost every road is actually obliterated. My colleague will bear me out in that statement. Some bridges have been condemned as the result of the extremely heavy traffic they have been required to bear on account of the movement of troops and war materials and war essentials. Bridges which were limited to a certain number of tons have been strained even beyond their capacity. Highways which were built for peacetime use have had to carry vehicles of war, and have had to carry trucks loaded with war materials which weighed many tons more than the roads were built to bear.

So the roads have been seriously damaged. I am sure the entire road system of the country has been hurt. Many of the cities, anxious to rebuild streets which are in a bad state of repair, have been unable to do so for the reasons I have already mentioned with respect to country roads and highways. Therefore I think that some measure must be considered by this body at a reasonably early date at least to give relief to a situation which now exists, with which we are now confronted, and which we must remedy.

Mr. President, I am especially interested in the rural-road construction, the so-called farm-to-market roads. About 10 months ago I introduced a bill which was designed to build an all-weather type of farm-to-market roads throughout the entire Nation in the post-war period. The bill was not only introduced for the purpose of aiding unemployment, if there should be unemployment, which there probably will be at some period or another after the war, but it was designed to meet a need, designed to place the farmers of the Nation upon all-weather roads, so that they might transport their produce to market. A farmer is just as close to town as the condition of the highway or the road on which he lives will permit.

I am interested, therefore, in that feature of the bill reported by the Senator from Arizona which provides for the expenditure, as I recall, of about \$200,000,000 annually for a period of 3 years on farm-to-market roads. The only thing I regret about the proposal is that the amount, in my opinion, will not be ample. I think the country has been derelict in its duty to the farmers in that respect. We have spent probably extravagant sums on great highways, but we have neglected the men who are in a large measure the backbone of the Nation. I am particularly interested in that feature of the bill reported by the Senator from Arizona, to which I submitted an amendment today, which I hope the Senator will seriously consider, which would set up in the P. R. A. a separate division known as the Rural Roads Division, to be presided over by an administrator or commissioner or director, or whatever title it is preferred to give him, who would be appointed by Mr. MacDonald, the present Commissioner of Public Roads. I have submitted that amendment for the purpose of emphasizing the need for attention to the so-called farm-to-market roads on the part of the Congress of the United States; not simply construction of such roads as were constructed in the W. P. A. days, and were abandoned, but in the construction of roads of as permanent a nature as cheap farm-to-market roads can be built, the specifications and so forth to be determined by those in the particular communities which the roads will serve, or by the officials in the county or in the particular political subdivision which will be served. I believe that such a Rural Roads Division is necessary. I believe it is highly important because there is need for extending our great national highway system. Repair of the existing roads, which compose a part of the sys-

tem about which I have been speaking, requires the specific attention of expert engineers and road builders who have in mind the building of roads which can carry heavy loads, and roads on which vehicles can operate at a high rate of speed. That is a different type of road from the kind of road which my amendment contemplates. I believe that this place should be filled by a man who has the vision which the farmers desire him to have—the kind of man about whom county highway authorities, county judges, and county road supervisors throughout the Nation have been talking for the past 10 or 15 years.

I believe that there is special need for attention to rural roads. I do not believe that a man with a superhighway in mind is the man to give attention to the building of such roads. I have been told by men from many States in the Union who are interested in the building of farm-to-market roads that they have been unable to obtain cooperation from the Public Roads Administration because of the fact that the requirements and specifications for such roads have been made entirely too high. As I see it, that is a perfectly natural consequence. A man who has in mind building superhighways simply cannot bring himself down to the ground to consider the building of farm-to-market roads costing \$2,000, \$3,000, or \$4,000 a mile.

One of the finest things done by the W. P. A., in the days when it was necessary and was in operation, was the building of so-called farm-to-market roads. Some of the counties in the various States have maintained such roads. They have placed oiled surfaces on them to prevent them from washing away, and today those roads are serving a good purpose. Of course, many of them have been allowed to wash away and are of no further benefit.

I am speaking of the cheaper type of road, the farm-to-market road. That type of road is not required to bear heavy traffic. It is not required to be constructed so that rapidly moving vehicles can travel over it. The type of road which I have in mind is an all-weather farm-to-market road, built as cheaply as it can be built, in the various counties which it serves. The counties should be the judges. Such roads enable the farmers of the Nation to bring their produce to market. That is a definite responsibility of Congress. It is a problem to which we should give attention. That is the problem which I wish to emphasize by my amendment, and I hope I have done so.

Mr. AIKEN. Mr. President, I wish to express the hope that the motion of the Senator from Arizona will prevail. I do not know whether the amounts named in the bill are the amounts which should be named, and I do not know whether all the provisions of the bill are what they should be. It seems to me that we should authorize the appropriation of a considerable amount of money—perhaps as much as is provided for in the bill—and that it should be properly related to the question of unemployment so that it may be made available when needed.

We all know that the war will end some day. We do not know what day it will end; but we feel that in Europe, at least, it will end very soon. On all sides we hear expressions of fear as to what will happen when the war ends. We ought to rejoice that we are near the end of the war. We ought not to fear it, but we ought to be ready for it.

The effects of unemployment are cumulative. If we once let unemployment get away from us, it will go like a snowball rolling down hill. If by having ready at the end of the war a program of public works which will provide employment for 1,000,000 men we can prevent the unemployment of 10,000,000 men a year or two later, that is exactly what we should do at this time.

We have been back here since about the 1st of August and I cannot think of one constructive piece of work that the Congress has completed up to this time. If we do not do any more than we have done thus far, we shall justify what the critics are saying and have said about the Congress. We have not yet enacted one single piece of constructive legislation to get ready for the end of the war. The executive department has established some machinery to prepare for the end of the war. We criticize the executive department for taking things into its own hands; and yet if the war should end tomorrow it seems to me that the only thing that would save the country from economic chaos would be another series of Executive orders and executive agencies of various kinds.

We do not wish to see such a situation arise. I hope that we will get ready for the end of the war. It seems to me that the first thing we should do is to proceed to consider the bill which is the subject of the motion of the Senator from Arizona.

Mr. HAYDEN. Mr. President, I believe the Senator from Vermont will agree with me that there is absolute necessity for an improvement in the Federal highway system throughout the Nation, and that the roads which bring products from the farms to the markets require immediate attention because of the pounding which our highway system has received, and the congestion of traffic in the cities. The only disagreement there could be would be as to the degree to which we should try to meet the situation. My judgment is that the amount of money provided by the bill would not be sufficient to do a good job.

Mr. AIKEN. Mr. President, I believe that very person in the country knows that it is absolutely necessary to restore the highways at least to the condition in which they were before the war. I also believe that unless we are willing to admit that our economy has reached a static condition, we must have a great elaboration of the highway system which we had before the war. I believe that the very life of our economy depends upon our transportation system. I have no sympathy whatever with the defeatists and the pessimists who talk about returning to pre-war conditions. I believe that we shall require the greatest expansion of all forms of transportation which the country ever knew, including

highways, airways, waterways, and railways. I have noticed that when one form of transportation improves its services, all other forms also gain.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona [Mr. HAYDEN] that the Senate proceed to the consideration of Senate bill 2105.

Mr. HAYDEN. Mr. President, I should like to have a vote on my motion.

Mr. WHITE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Guffey	Reed
Andrews	Gurney	Robertson
Ball	Hatch	Russell
Bankhead	Hayden	Scrugham
Barkley	Hill	Shipstead
Bridges	Johnson, Calif.	Stewart
Burton	Johnson, Colo.	Taft
Bushfield	Kilgore	Thomas, Okla.
Byrd	Langer	Thomas, Utah
Capper	McClellan	Tunnell
Caraway	McKellar	Tydings
Chavez	Maloney	Vandenberg
Connally	Maybank	Walsh, Mass.
Cordon	Mead	Walsh, N. J.
Danaher	Millikin	Weeks
Davis	Moore	White
Ferguson	Nye	Wiley
George	O'Mahoney	

The PRESIDING OFFICER (Mr. McKellar in the chair). Fifty-three Senators having answered to their names, a quorum is present.

The question is on the motion of the Senator from Arizona to proceed to the consideration of Senate bill 2105.

Mr. WHITE. Mr. President, on that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. REED (when his name was called). I have a general pair with the Senator from New York [Mr. WAGNER]. I understand that on this question he would vote as I am about to vote, and therefore I am at liberty to vote. I vote "yea."

Mr. STEWART (when his name was called). I have a pair with the senior Senator from Oregon [Mr. HOLMAN]. I transfer that pair to the Senator from Missouri [Mr. TRUMAN] and will vote. I vote "yea."

The roll call was concluded.

Mr. DAVIS. I have a general pair with the junior Senator from Kentucky [Mr. CHANDLER]. I understand that he would vote as I am about to vote. I am, therefore, free to vote, and I vote "yea."

Mr. HILL. I announce that the Senator from Mississippi [Mr. BILBO], the Senator from Washington [Mr. BONE], and the Senator from Virginia [Mr. GLASS] are absent from the Senate because of illness.

The Senator from California [Mr. DOWNEY], the Senator from Indiana [Mr. JACKSON], the Senator from Illinois [Mr. LUCAS], the Senator from Nevada [Mr. McCARRAN], the Senator from Arizona [Mr. McFARLAND], the Senator from Utah [Mr. MURDOCK], the Senator from Montana [Mr. MURRAY], the Senator from Louisiana [Mr. OVERTON], the Senator from Florida [Mr. PEPPER], the Senator from Missouri [Mr. TRUMAN], the Senator from New York [Mr. WAGNER], and

the Senator from Washington [Mr. WALLGREN] are detained on public business.

The Senator from North Carolina [Mr. BAILEY], the Senator from Kentucky [Mr. CHANDLER], the Senator from Missouri [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], the Senators from Rhode Island [Mr. GERRY and Mr. GREEN], the Senator from Texas [Mr. O'DANIEL], the Senator from Maryland [Mr. RADCLIFFE], the Senator from South Carolina [Mr. SMITH], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from Montana [Mr. WHEELER] are necessarily absent.

The Senator from Wisconsin [Mr. LA FOLLETTE] is also necessarily absent.

Mr. WHITE. The Senator from Vermont [Mr. AUSTIN], the Senator from Maine [Mr. BREWSTER], the Senator from Illinois [Mr. BROOKS], the Senator from Delaware [Mr. BUCK], the Senator from Nebraska [Mr. BUTLER], the Senator from New Jersey [Mr. HAWKES], the Senator from Oregon [Mr. HOLMAN], the Senator from West Virginia [Mr. REVERCOMB], the Senator from Idaho [Mr. THOMAS], the Senator from Indiana [Mr. WILLIS], and the Senator from Iowa [Mr. WILSON] are necessarily absent.

The Senator from North Dakota [Mr. NYE], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Nebraska [Mr. WHERRY] are absent on official business.

The result was announced—yeas 35, nays 18, as follows:

YEAS—35

Aiken	Gillette	Millikin
Ball	Guffey	O'Mahoney
Bankhead	Hatch	Reed
Barkley	Hayden	Robertson
Capper	Hill	Scrugham
Caraway	Johnson, Calif.	Shipstead
Chavez	Johnson, Colo.	Stewart
Connally	Kilgore	Thomas, Okla.
Cordon	McClellan	Thomas, Utah
Davis	McKellar	Tunnell
Ferguson	Maybank	Walsh, Mass.
George	Mead	

NAYS—18

Andrews	Gurney	Tydings
Bridges	Langer	Vandenberg
Burton	Maloney	Walsh, N. J.
Bushfield	Moore	Weeks
Byrd	Russell	White
Danaher	Taft	Wiley

NOT VOTING—43

Austin	Glass	Radcliffe
Bailey	Green	Revercomb
Bilbo	Hawkes	Reynolds
Bone	Holman	Smith
Brewster	Jackson	Thomas, Idaho
Brooks	La Follette	Tobery
Buck	Lucas	Truman
Butler	McCarran	Wagner
Chandler	McFarland	Wallgren
Clark, Idaho	Murdock	Wheeler
Clark, Mo.	Murray	Wherry
Downey	Nye	Willis
Eastland	O'Daniel	Wilson
Ellender	Overton	
Gerry	Pepper	

So Mr. HAYDEN's motion was agreed to; and the Senate proceeded to consider the bill (S. 2105) to amend and supplement the Federal Aid Road Act, approved July 11, 1916, as amended and supplemented; to authorize appropriations for the post-war construction of highways and bridges; to eliminate hazards at railroad-grade crossings; to provide for the immediate preparation

of plans and acquisition of rights-of-way; and for other purposes.

Mr. WHERRY subsequently said: Mr. President, I was not in the Chamber this afternoon when the yeas-and-nays vote was taken on the motion to proceed to the consideration of Senate bill 2105. I should like to have the RECORD show that if I had been present and privileged to vote, I would have voted against taking up the bill at this time, with the provisions it now contains.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment.

Mr. HILL. I offer an amendment, not to be considered at this time but simply in order that it may be printed and be before the Committee on Post Offices and Post Roads in the morning, and for consideration by the Senate at a later date.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table.

Mr. MALONEY. Mr. President, I desire to offer an amendment to the pending road bill. On page 4, line 23, strike out the period after the word "census" and insert a comma and the following language: "Provided, That New England towns shall be considered municipalities regardless of their incorporated status."

Mr. President, I also offer the following amendment:

On page 4, line 16, strike out the period after the word "act" and insert a comma and the following language: "Provided, That no State shall receive less than an apportionment equal to six-tenths of the percentage of the Federal gasoline tax collected in the State, as measured by the total net amount taxed value in Public Roads Administration Statistical Report G-2 for 1941."

The PRESIDING OFFICER. The amendments will be received, printed, and lie on the table.

Mr. MALONEY. I should like to give notice that I shall tomorrow offer the following amendment:

On page 5, line 14, after the word "exceed", to strike out "60" and insert "40."

Mr. BYRD. Mr. President, I desire to offer an amendment to the so-called road bill on page 5, line 14, to strike out "60" and insert "50."

The PRESIDING OFFICER. Does the Senator desire to have the amendment considered now?

Mr. BYRD. I ask that it lie on the table and be printed.

The PRESIDING OFFICER. That order will be made.

NAMING OF LAKE FORMED BY WATERS IMPOUNDED BY DENISON DAM

Mr. BARKLEY. Mr. President, I intend momentarily to move that the Senate proceed to the consideration of executive business, it being understood that the road bill will not be proceeded with further this afternoon. Several amendments have been offered, and the committee is going to consider them tomorrow. I should like to have Senators remain in the Chamber because we are going to enter upon the consideration of the Executive Calendar, and the first nomination on the calendar is a subject

of controversy, and it will probably be necessary to have a yea-and-nay vote upon it. I hope therefore that Senators will not leave the chamber.

Before moving an executive session, Mr. President, I was about to say that at the border between Texas and Oklahoma, under an act of Congress providing for the improvement of the Red River and the impounding of its waters, there has been created a reservoir. It was first known as the Denison-Durant Reservoir, and under the act which authorized it, it is now known as the Denison Reservoir. It is the desire on the part of Texas and Oklahoma that the reservoir be given a name which will combine the names of the two States. It is not possible to change the name except by act of Congress, inasmuch as the act under which the reservoir was created names it the Denison Reservoir. The representatives from the two States have agreed on a name for this lake. So, from the Committee on the Library I report favorably, without amendment, Senate bill 2137 which gives the lake the designation of Lake Texoma, which is a combination of Texas and Oklahoma. I ask unanimous consent that the bill be now considered.

THE PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky?

There being no objection, the bill (S. 2137) to provide for naming the lake formed by waters of the Red River impounded by Denison Dam, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That from and after the enactment of this act the lake formed by the impounding of waters of the Red River by Denison Dam, the construction of which was authorized by the act of June 28, 1938 (52 Stat. 1219), shall be known and designated on the public records as Lake Texoma.

ANNA M. KOHLER

Mr. BURTON. Mr. President, I ask unanimous consent for the immediate consideration of an immigration bill, as to which there is an emergency and as to which there is no contest. It is Calendar No. 1092, House bill 1434, which was passed by the House about a year ago.

THE PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

THE LEGISLATIVE CLERK. A bill (H. R. 1434) for the relief of Anna M. Kohler.

THE PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BURTON. Mr. President, while the bill is reported without amendment, the State Department had recommended a minor amendment. The minor amendment was omitted from the committee report by error, the committee having approved the amendment when it had the bill under consideration. I therefore wish to offer at this time the amendment recommended by the State Department and approved by the committee.

THE PRESIDING OFFICER. The amendment will be stated.

THE LEGISLATIVE CLERK. Beginning on line 7, after the word "insofar", it is purposed to strike out the words "as the offense which she admitted committing in Canada may be concerned" and insert "as her admission that she had previously sworn falsely in connection with her applications for admission and an extension of stay may be concerned."

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BURTON. Mr. President, I ask unanimous consent to have printed in the RECORD at this point the letter from the Acting Secretary of State, E. R. Stettinius, Jr., under date of October 29, 1943, setting forth the facts and the reason for the amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, October 29, 1943.

The Honorable RICHARD B. RUSSELL,
United States Senate.

MY DEAR SENATOR RUSSELL: Reference is made to your letter of September 30, 1943, wherein you requested the views of this Department concerning the enactment of H. R. 1434, a bill for the relief of Anna M. Kohler.

The files of the Department disclose that Mrs. Anna M. Kohler was refused an immigration visa on July 9, 1941, at the American Consulate at St. John, New Brunswick, Canada, on the ground that she was inadmissible into the United States under the provisions of section 3 of the Immigration Act of February 5, 1917, as a person who had admitted the commission of an offense involving moral turpitude, namely, perjury.

The basis for the refusal of the visa was Mrs. Kohler's admission at a hearing conducted by the Immigration and Naturalization Service at Boston, Mass., that in applying for an extension of stay on April 3, 1940, she had sworn that she was not gainfully employed, when in fact she was employed at that time. The alien also admitted that she intended to engage in gainful employment at the time that she entered the United States on a visitor's visa on December 21, 1939, which fact was withheld from the immigration officials, and that she secured a position about a month after her entry.

It was noted that the bill provides that an immigration visa shall not be refused and an exclusion at a port of entry shall not be required under the moral turpitude clause of section 3 of the Immigration Act of February 5, 1917, "insofar as the offense which she admitted committing in Canada may be concerned." As Mrs. Kohler admitted having committed in the United States an offense involving moral turpitude, and as she made this admission at the time of her examination by the Immigration and Naturalization Service at Boston, Mass., it is believed that if it is desired to enact legislation authorizing Mrs. Kohler's admission into the United States, this portion of the bill should be amended to read somewhat as follows: " * * * insofar as her admission that she had previously sworn falsely in connection with her applications for admission and an extension of stay may be concerned."

In the event the bill should be amended along the lines suggested, I should interpose no objection to its enactment.

Sincerely yours,

E. R. STETTINIUS, JR.,
Acting Secretary.

REDUCTION IN VALUE OF OATS IN NORTH DAKOTA

Mr. LANGER. Mr. President, I desire to read a telegram which I received today, as follows:

ELLENDALE, N. DAK., September 11, 1944.
HON. WILLIAM LANGER,
Washington, D. C.:

Recent decrease in oat value loss to me \$1,000. Many other thousands with neighbors. Please enter vicious protest.

ROY BYERS.

FEDERAL AID FOR POST-WAR HIGHWAY CONSTRUCTION

The Senate resumed consideration of the bill (S. 2105) to amend and supplement the Federal Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

Mr. RUSSELL. Mr. President, I have heretofore sent to the desk and asked to have printed and to lie on the table, an amendment to the pending bill, S. 2105, reducing the amounts which are provided in various allocations.

I wish to have printed and to lie on the table, and considered by the Committee on Post Offices and Post Roads which meets tomorrow, an amendment which would strike out, wherever it may appear in the bill, any authority to expend Federal funds for the acquisition of rights-of-way.

THE PRESIDING OFFICER. Without objection, the amendment will be printed and lie on the table.

Mr. RUSSELL. Mr. President, it is my understanding that a meeting of the Committee on Post Offices and Post Roads has been called for tomorrow morning at 10:30, at which time Senate bill 2105 will be considered. I consider the bill to be of tremendous importance. In view of what I believe to be its great importance, I hope that all Senators who have amendments which they intend to propose will submit the amendments now and ask that they be printed, in order that they may be available for consideration of the committee tomorrow.

THE PRESIDING OFFICER. The Chair suggests that the clerk of the Committee on Post Offices and Post Roads should have made available to him copies of the printed amendments.

Mr. RUSSELL. Mr. President, I ask unanimous consent that all the amendments which are submitted to Senate bill 2105 may be printed, and that the committee may have copies of the amendments so they may be available for consideration of the committee tomorrow morning.

THE PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to consider executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. McKELLAR in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. HATCH (for Mr. McFARLAND), from the Committee on the Judiciary:

Benjamin J. McKinney, of Arizona, to be United States marshal for the district of Arizona; and

By Mr. HATCH:

Howard F. Houk, of New Mexico, to be United States attorney for the district of New Mexico, vice Everett M. Grantham, resigned.

By Mr. GEORGE, from the Committee on Finance:

Several officers for promotion in the Regular Corps of the United States Public Health Service.

By Mr. THOMAS of Utah, from the Committee on Military Affairs:

Lt. Gen. Omar Nelson Bradley (brigadier general, U. S. Army), Army of the United States, vice Maj. Gen. Ben Lear, retired, to be major general in the Regular Army with rank from September 8, 1944;

Sundry officers for promotion in the Regular Army; and

Sundry officers for temporary appointment and/or promotion in the Army of the United States, under the provisions of law.

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads;

Sundry postmasters.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

FEDERAL POWER COMMISSION—LELAND OLDS

The legislative clerk read the nomination of Leland Olds, of New York, to be member, Federal Power Commission for the term expiring June 22, 1949.

CONFIRMATION OF UNCONTESTED NOMINATIONS

Mr. BARKLEY. Mr. President, in view of the fact that the remainder of the nominations on the Executive Calendar are not of a controversial nature, I ask unanimous consent that all the nominations on the Executive Calendar, except that of Leland Olds, of New York, to be a member of the Federal Power Commission, be considered at this time and confirmed, so that the Senate will have nothing before it except the Olds' nomination.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and, without objection, all nominations on the Executive Calendar, except the nomination of Leland Olds to be a member of the Federal Power Commission, will be confirmed en bloc, and, without objection, the President will be immediately notified.

FEDERAL POWER COMMISSION—LELAND OLDS

The PRESIDING OFFICER. The nomination which is in controversy will now be stated.

The legislative clerk read the nomination of Leland Olds, of New York, to be member, Federal Power Commission for the term expiring June 22, 1949.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination?

Mr. MOORE. Mr. President, the matter we now have before us for consideration is the reappointment of Leland Olds as a member of the Federal Power Commission.

The Federal Power Act was passed in 1935 and it repealed partly, and reenacted partly, a law passed in 1920 which was known as the Federal Water Power Act. The act now gives jurisdiction to the Power Commission in the matter of the regulation of water power and resources on navigable streams and the power to regulate electric utility companies engaged in interstate commerce, including the authority to make, fix, and enforce electric utility rates.

In 1938, the Natural Gas Act was passed and under the provisions of this act the transportation of natural gas in interstate commerce, the sale of natural gas in interstate commerce for resale for domestic, commercial, industrial, or any other public consumption, the regulation of natural gas companies engaged in such transportation or sale, excluding the production of natural gas but including the right to regulate all rates and charges made, was committed to the jurisdiction of the Federal Power Commission.

The original Federal Power Commission Act of 1935 was a complete act within itself with respect to the formation of the Commission and its powers and duties to employ personnel, conduct investigations, hearings, and make orders, rules, and regulations.

The procedure with respect to the regulation of water power on navigable streams under the jurisdiction of the Congress provides for a complete procedure and the licensing of rights for the construction of hydroelectric projects on such streams. The act provides that its powers to license the building of power projects shall be subject to the rights of the States for the prior use of water for irrigation purposes.

The section of the Federal Power Act dealing with the regulating of electric utility companies engaged in interstate commerce likewise expressly provides the procedure to be followed by the Commission.

The Federal Power Act provides that the commissioners shall, after the expiration of their initial terms, be appointed, each for a term of 5 years from the date of the expiration of the term for which his predecessor was appointed, except that any person appointed to fill a vacancy shall be appointed only for the unexpired term of his predecessor. Not more than three commissioners shall be appointed from the same political party. The qualifications of the commissioners are stated in a negative manner—that is, no person employed or connected with any licensee, firm, or corporation engaged in the generation, transmission, distribution or sale of power or owning

any stocks or bonds thereof, or in any manner interested therein, shall hold the office of commissioner, and the commissioners are prohibited from engaging in any other business or employment. One member of the Commission is designated as chairman by the President. The act fixes the salary of each commissioner.

In 1938 Leland Olds was appointed Chairman of the Federal Power Commission for a term of 5 years and his term of office expired during the present year. He was reappointed in June of this year by the President, as the act provides, which act also provides, like many other acts do, that his appointment shall be confirmed by the Senate. His appointment was referred to the Interstate Commerce Committee. I am a member of that committee. As a member of that committee, I received a great many letters from various State regulatory bodies, some having jurisdiction of the various subject matters within their own States which are dealt with under the act creating the Water Power Act, the Electric Utility Power Act, and the Natural Gas Act.

It was intended by the acts of Congress now being administered by the Federal Power Commission that the jurisdiction of the Federal Power Commission attached only in matters held to be in interstate transactions—that is, under the Water Power Act, navigable streams; under the Electric Utilities Act, rates and transmission in interstate transactions; and, likewise, natural gas under movement and sale in interstate and not in intrastate transactions.

In all of the various complaints that were made by members of the regulatory bodies of the States, and by many members of the industry engaged in the manufacture and sale of electric power, transportation and sale of natural gas, the complaints went to the objection to the reappointment of Leland Olds because he had exceeded the authority intended by the act of Congress and because he invaded the rights and prerogatives of the States in the exercise of their jurisdictions as fixed by the statutes and laws of their own States.

As a member of the Committee on Interstate Commerce, I communicated the fact of these complaints to the Senator from Montana [Mr. WHEELER], chairman of the Interstate Commerce Committee, who appointed a subcommittee to hear these complaints. The subcommittee was made up of the Senator from New York [Mr. WAGNER], the Senator from Delaware [Mr. TUNNELL], the Senator from Colorado [Mr. JOHNSON], the Senator from New Jersey [Mr. HAWKES], and myself. Hearings were had before this subcommittee during the days of July 6, 7, and 8. A record of the hearings was made and a report made to the full Committee on Interstate Commerce. Six members, I believe, of the whole committee met on the 25th day of August and reported this appointment out to the floor for action. The subcommittee voted 3 to 2 for confirmation.

Of course, the record that has been made has not been read, I assume, by many Members of the Senate, or even

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DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued September 14, 1944, for actions of Wednesday, September 13, 1944)

(For staff of the Department only)

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SENATE

1. ROAD AUTHORIZATION BILL. Began debate on this bill, S. 2105 (pp. 7816-18).
Sens. Bushfield, S. Dak., and Russell, Ga., submitted amendments which they intend to propose to the bill (p. 7812).
Agreed to Sen. Hayden's (Ariz.) suggestion that this bill go over until Fri., Sept. 15, so as to allow the committee further time for consideration of amendments (p. 7816).
The bill authorizes annual appropriations, for each of the first three post-war years, as follows:
Federal-aid highways, \$250,000,000
Secondary and feeder roads (including farm-to-market roads), \$200,000,000
Urban highways, \$200,000,000
Forest highways, \$25,000,000 (\$1,500,000 for Alaska)
Forest development roads and trails, \$12,500,000
National Park Service roads, trails, and parkways, \$9,250,000
Rural electrification. The Lucas amendment to this bill (see Digest 147) authorizes annual appropriations of \$5,000,000 for preparation by REA of comprehensive plans and programs for rural electrification; and directs RFC to make loans to REA, upon the Secretary of Agriculture's request, of \$35,000,000 additional for the fiscal year 1945, \$150,000,000 for 1946, \$200,000,000 for 1947, and \$200,000,000 for 1948, in order to provide additional funds for loans by REA.
2. ECONOMY; PERSONNEL. The Joint (Byrd) Committee on Reduction of Nonessential Expenditures submitted a report showing the number of Federal personnel, by departments, and recent changes therein (pp. 7812-14).
3. FARM LOANS. Discussed and, upon the objection of Sen. Gillette, Iowa, passed over S. 1688, which directs this Department to compromise, adjust, or cancel certain indebtedness of farmers for seed-feed loans, etc. (p. 7821). (For summary of the bill see Digest 143.) Sen. Russell, Ga., offered an amendment to make it clear that the Secretary could not adjust future indebtedness; and Sen. Danaher, Conn., announced his intention of proposing an amendment to require reports to

Congress every six months (p. 7821).

4. HOMESTEADS. Passed without amendment H. R. 5025, to allow credit in connection with homestead entries for services in the armed forces (p. 7822). This bill will now be sent to the President.
5. EMERGENCY-LEGISLATION TERMINATION. Sen. Walsh, Mass., discussed the problem of determining when emergency legislation should terminate and inserted a letter from the Navy Department on this subject (pp. 7814-6).
6. FLOOD CONTROL. At the request of Sen. White, Maine, passed over H. R. 4485, the Whittington flood-control bill (p. 7818).
7. POST-WAR PLANNING; DEMOBILIZATION. At the request of Sen. White, Maine, passed over S. 2061, to provide a national program for war mobilization and post-war adjustment (p. 7818).
8. PERSONNEL; TAXATION. At the request of Sen. White, Maine, passed over H.R. 3592, to relieve Federal employees from multiple State income taxes on their salaries and to permit only the State in which such employee is domiciled to levy such tax (p. 7818).

ADJOURNED until Friday, Sept. 15 (p. 7825).

HOUSE

9. RELIEF PROGRAMS; FOOD ADMINISTRATION; PROPERTY MANAGEMENT. Rep. Burdick, N.Dak., discussed his work in connection with "some of our national issues," including farm relief, public works, farm prices, food production, surplus property, and reconversion (pp. 7839-43).
10. DAIRY INDUSTRY. Rep. Murray, Wis., criticized the oleomargarine trust's "threat to the dairy industry" and inserted a Shelbyville (Ky.) News editorial on this subject (p. 7827).
Rep. Andresen, Minn., criticized OPA's policies, claiming that they are responsible for the present butter shortage (p. 7829).
11. DEMOBILIZATION; RECONVERSION. Rep. Doughton, N. C., received consent to make two motions on Monday to instruct the House conferees on S. 2051, the demobilization-reconversion bill, to insist on their disagreement to the provisions relating to unemployment compensation for Federal employees and to the transportation of civilian workers (see Item 14, below) (pp. 7832-3).
Rep. Keefe, Wis., urged inclusion of the provision for unemployment compensation for Federal workers, stating that the Federal Government should "set an example" (pp. 7836-7).
12. WATER CONSERVATION; ELECTRIFICATION. Rep. Rankin, Mixx., urged development of Alaskan water power resources (pp. 7833-5).
13. BANKING AND CURRENCY. Rep. Voorhis, Calif., commended and urged careful consideration of the Bretton Woods monetary agreements, and stated that "neither...would rob any nation of the freedom to manage its own monetary system as it sees fit" (pp. 7845-8).

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 13 (legislative day, SEPTEMBER 1), 1944

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. BUSHFIELD to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes, viz:

- 1 On page 4, line 5, following the words "Commissioner
- 2 of Public Roads" at the end of such paragraph, substitute
- 3 the period following the word "Roads" with a colon and
- 4 add the following words: "*Provided*, That such secondary
- 5 roads shall be constructed under plans and specifications
- 6 approved by the State highway department for each par-
- 7 ticular State."

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SEPTEMBER 13 (legislative day, SEPTEMBER 1), 1944

Ordered to lie on the table and to be printed

78TH CONGRESS
2D SESSION

S. 2105

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 13 (legislative day, SEPTEMBER 1), 1944

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. RUSSELL to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards, at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes, viz:

1 On page 3, line 17, before the period insert “, subject to
2 the provisions of section 4 (c) ”.

3 On page 3, line 18, strike out “The” and insert “Subject
4 to the provisions of subsection (c), any”.

5 On page 5, line 3, strike out “Any” and insert “Subject
6 to the provisions of subsection (c), any”.

1 On page 5, between lines 11 and 12, insert the following
2 new subsections:

3 (c) Notwithstanding any other provisions of law, the
4 sums apportioned to any State under the provisions of this
5 section shall only be available for expenditure as follows:

6 (1) One-third of the sum apportioned to any State
7 from the funds for any fiscal year shall be available
8 for expenditure in accordance with the provisions of this
9 Act other than this subsection.

10 (2) If the Secretary of Labor finds that at any
11 one time between January 1 next preceding the be-
12 ginning of such fiscal year and January 1 within such
13 fiscal year there are more than four million unemployed
14 individuals within the United States, an additional one-
15 third of the sum apportioned to any State from the
16 funds for such fiscal year shall be available for expendi-
17 ture in accordance with the provisions of this Act other
18 than this subsection.

19 (3) If the Secretary of Labor finds that at any
20 one time between January 1 next preceding the be-
21 ginning of such fiscal year and January 1 within such
22 fiscal year there are more than five million unemployed
23 individuals within the United States, the remaining
24 one-third of the sum apportioned to any State from
25 the funds for such fiscal year shall be available for

1 expenditure in accordance with the provisions of this
2 Act other than this subsection.

3 When used in this subsection, the term "unemployed indi-
4 viduals" means employable individuals who are unemployed,
5 who are available for employment, and who are registered
6 for employment at employment offices determined by the
7 Secretary of Labor to be suitable and proper places for
8 such registration.

9 (f) If by reason of the provisions of subsection (e)
10 the sums available for expenditure in any State from the
11 funds for any post-war fiscal year are less than the sums
12 apportioned to such State from the authorization for such
13 fiscal year, the division of such funds between projects on
14 the Federal-aid highway system, projects on secondary and
15 feeder roads, and projects in urban areas shall be determined
16 by the highway department of such State, with the approval
17 of the Commissioner of Public Roads.

AMENDMENTS

Intended to be proposed by Mr. RUSSELL to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

SEPTEMBER 13 (Legislative day, SEPTEMBER 1), 1944

Ordered to lie on the table and to be printed

TERMINATION CLAUSES IN EMERGENCY LEGISLATION

Mr. WALSH of Massachusetts. Mr. President, all the members of Senate committees have experienced from time to time difficulties in determining what language to use in fixing termination clauses in emergency legislation. Recently I inquired of the Navy Department whether or not it has made a study of and reached any conclusions as to conditions which should exist to render operative the various termination clauses that have been used in emergency legislation affecting the Navy. I inquired if the Attorney General had rendered an opinion on this subject, as other departments of the Government are affected in a similar manner.

The Secretary of the Navy has replied to my letter, informing me that the Attorney General has not rendered any formal opinion on the general subject, but he states that the Department of Justice has compiled a list of statutes with classifications as to termination clauses and that an extensive list of war and emergency statutes has also been compiled by the Legislative Reference Service of the Library of Congress. He enclosed a list of temporary laws relating to the Navy in force on July 31, 1944. The enumeration of the various clauses used in emergency statutes and the observations made in reference to each will be found interesting and useful when Congress considers terminating certain temporary laws.

I ask that the letter and other data be printed in the RECORD.

There being no objection, the letter and data were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY,
Washington, September 1, 1944.

Hon. DAVID I. WALSH,
Chairman of the Committee on
Naval Affairs, United States Senate,
Washington, D. C.

MY DEAR MR. CHAIRMAN: Reference is made to your letter of June 2, 1944, asking whether the Navy Department has made a study of, and reached conclusions, as to conditions which must exist to render operative various termination clauses contained in emergency legislation enacted since December 7, 1941. It was pointed out in your letter that possibly the Attorney General may have rendered an opinion on this subject as many other departments of the Government are affected in a similar manner.

It appears that the Attorney General has not rendered any formal opinion on the general subject. However, a list of statutes with classifications as to termination clauses was compiled by the Department of Justice some several months ago. An extensive list of war and emergency statutes has also been compiled by the Legislative Reference Service of the Library of Congress. This list is contained in Bulletin No. 20 of the Public Affairs bulletins of the Library. Neither list is strictly up to date.

There is enclosed a list of temporary laws relating to the Navy, in force on July 31, 1944, compiled in the Office of the Judge Advocate General of the Navy.

In reviewing the problems raised by war and emergency legislation becoming ineffective on some date connected with the end of the war, it is apparent at the outset that the problem is of necessity much broader than that of legislation enacted after December 7, 1941. As indicated by the enclosure, some important temporary legislation was enacted

over a period of several months prior to that date. Further there is a considerable body of permanent legislation effective only in time of war or emergency which will raise the same practical problems at the close of the war or the end of the emergency as are raised by the temporary acts. The Library of Congress bulletin above referred to includes some 260 acts, enacted before December 7, 1941, in this latter class. Some of these acts are of such age as to be included in the Revised Statutes.

The following classification can be made of war or emergency statutes, according to the nature of the contingency upon whose happening they expire:

1. EXPIRING AT THE CONCLUSION OF THE WAR

This would include not only temporary legislation effective "during the present war," "during any war in which the United States is now engaged," "until the termination of the present war with Germany, Italy, and Japan," but also permanent legislation operative "in time of war," "during the existence of war in which the United States is engaged," "whenever a state of war exists." The difficulty lies in the determination of the date on which the war terminates for purposes of determining when the statute ceases to be effective. This difficulty is resolved by provisions in many of the statutes providing for determination of such date by the President in a proclamation or other method of designation or by the Congress by concurrent or joint resolution. Lacking such guides, it is necessary to refer to the previous court decisions on the same problem following past wars.

The determination of the date of termination of war is for the political branch of the Federal Government, and is usually made by a formal proclamation. It is not a question of fact to be determined by the judiciary. The Court in *Hamilton v. McClaughry* (123 Fed. 445 (Apr. 12, 1905)), stated:

"It is the well-settled law that the existence of a condition of war must be determined by the political department of the Government; that the courts take judicial notice of such determination and are bound thereby," and cited in support thereof *U. S. v. 129 Packages* (Fed. Cas. No. 15, 941); *Sutton v. Tiller* (98 Am. Dec. 471).

It is clear that the date of termination of the war is that date established by unequivocal public proclamation by the President or proper legislative action by the Congress. No event precedent to that time is sufficient to predicate a termination of the war in the legal sense.

Thus the Civil War was terminated by President Johnson's proclamation of August 20, 1863 (14 Stat. 817), declaring that the insurrection against the Nation was at an end; and that peace, order, tranquillity, and civil authority existed in and throughout the whole of the United States of America. This date was recognized as the date of the termination of the war by the Congress in section 2 of the act of March 2, 1867 (14 Stat. 422).

The United States Supreme Court approved this date in the case of *McElrath v. United States* (102 U. S. 426, 438, October term 1880), holding that the limitation "except in time of peace" on the power of the President to summarily dismiss a military officer, contemplated not a mere cessation of hostilities, but peace in the complete sense, officially proclaimed.

A variety of termination clauses was adopted by Congress for war and emergency legislation adopted during World War No. 1. The provisions of the termination clauses of the more important World War No. 1 emergency acts are given in a note at 251 United States, page 165. "Conclusion of the war" as used by Congress was held in *Hamilton v. Kentucky Distilleries Co.* (251 U. S. 146; 40 Sup. Ct. 106) not to mean the mere cessation of hostilities. This case involved a prosecution under the

Wartime Prohibition Act (40 Stat. 1045, 1046), which was enacted in reliance on war-emergency powers of the Congress and became effective 10 days after the signing of the armistice with Germany (November 11, 1918).

The Court continued "nor may we assume that Congress intended by the phrase to designate the date when the treaty of peace should be signed at Versailles or elsewhere by German and American representatives, since by the Constitution a treaty is only a proposal until approved by the Senate. Furthermore, to construe 'conclusion of war' as meaning the actual termination of war activities would leave wholly uncertain the date the act would cease to be operative; whereas Congress evinced here, as in other war statutes, a clear purpose that the date of expiration should be definitely fixed."

A similar result was reached in *Kahn v. Anderson* (255 U. S. 1, 10 (Jan. 31, 1921)) wherein it was held that the ninety-second article of the Articles of War (1916), providing that "no person shall be tried by court-martial for murder or rape committed within the geographical limits of the States of the Union and the District of Columbia in time of peace" contemplates a complete peace, officially proclaimed, and that such a peace was not brought about by the armistice and the cessation of hostilities in the war with Germany and Austria.

Because of the failure of the President and the Senate to agree on a definitive treaty of peace following World War No. 1, considerable delay and confusion resulted in the determination of the date of termination of the war.

President Wilson in his message to Congress of November 11, 1918, transmitting terms of the armistice, stated "the war thus comes to an end, for having accepted these terms of the armistice, it will be impossible for the German command to renew it." Despite a few contrary decisions, such as *United States v. Hicks*, 256 Fed. 707 (1919) (which appear to be ill-considered), the President's statement has not been accepted as an official proclamation of the legal end of the war.

On July 14, 1919, a general enemy trade license was issued by the Department of State, authorizing all persons in the United States to trade and communicate with persons residing in Germany. On July 15, 1919, by order of the Postmaster General, the post office facilities were opened to receive mail matter destined for Germany and coming from Germany.

President Wilson was unwilling to take action to officially terminate the war. In answer to a question by Senator Fall, in August 1919, the President replied that in his judgment he did not have the power by proclamation to declare that peace exists, and that in no circumstances could he consent to take such a course prior to the ratification of a final treaty of peace.

In the early months of 1920 the Congress passed a resolution declaring the state of war at an end. This resolution was vetoed by the President on May 27, 1920, and the House of Representatives sustained the veto.

Considerable discussion resulted as to whether Congress or the President could separately terminate the state of war. As to power of Congress to declare peace, see 18 Michigan Law Review (May 1920) pp. 669-675 wherein Edward S. Corwin argues that Congress has such power simply by virtue of its power to repeal its previous enactments (e. g. the Declaration of War). Also John M. Mathews, The Termination of War (19 Mich. Law Review 819).

So far as war legislation was concerned the question was finally resolved by the joint resolution of March 3, 1921 (Public Res. No. 64, ch. 136, 41 Stat. 1359).

The resolution of March 3, 1921, provided that the effective date of the resolution should be construed and treated as the date of the termination of the war or of the pres-

ent or existing emergency in the interpretation of any acts of Congress, joint resolutions, or proclamations of President containing provisions contingent upon the duration or the date of the termination of the war or the present or existing emergency. Certain statutes, including the Trading with the Enemy Act of October 6, 1917, were excepted from the operation of the resolution.

2. EXPIRING ON THE CESSATION OF HOSTILITIES

The expressions "cessation of hostilities," "termination of hostilities," present difficulties of interpretation unless accompanied by provision for self-determination, such as determination or proclamation of the President, or resolution by the Congress. The cases previously cited distinguish the "cessation of hostilities" and the "conclusion of the war." (*McElrath v. United States*, 102 U. S. 426; *Hamilton v. Kentucky Distilleries Co.*, 251 U. S. 146; *Kahn v. Anderson*, 256 U. S. 1, 10.)

These cases indicate the "cessation of hostilities" ordinarily would occur prior to the date of the termination of the war. Certainly "cessation of hostilities" would not of itself terminate the state of war. The "cessation of hostilities" might be fixed by an armistice. Thus the armistice between the Allies and the Germans signed on November 11, 1918, provided for a "cessation of hostilities by land and in the air 6 hours after the signing of the armistice" and an "immediate cessation of all hostilities at sea."

However, there is question as to whether an armistice is conclusive evidence of the cessation of hostilities. Judge Learned Hand in *Commercial Cable Co. v. Burleson* (255 Fed. 99, 104-107; S. D. N. Y., 1919), stated: "An armistice effects nothing but a suspension of hostilities; a war still continues. * * * Neither had hostilities ceased. * * * There were still military operations, the armistice had not been carried out, and after it was, armed forces of the United States were in occupation of enemy territory."

The situation surrounding an armistice and cessation of hostilities lends itself to uncertainty and difficulty in determining a date for expiration of legislation contingent upon a cessation of hostilities. This would be particularly true where Congress in the subject legislation provides no method for determining or evidencing of such a cessation. Unless Congress would provide for evidencing of a cessation, such as by proclamation of the President or resolution of the Congress, it would appear inevitable that uncertainty and confusion would ensue.

3. EXPIRING ON TERMINATION OF AN EMERGENCY

Another class of statutes are those effective during any period of national emergency, during the national emergency declared by the President on September 8, 1939, or during the national emergency declared by the President on May 27, 1941.

In view of the original declaration by the President, it would be logical to look toward him for a proclamation terminating the various emergencies, and thus terminating or suspending the statutory provisions dependent thereon. While it is reasonable to assume that the termination of the emergency period would be coterminous with the termination of the war, such a conclusion would not inevitably follow. For various reasons, the President might consider it desirable to continue the emergency after the termination of the war.

In view of the failure of ratification of the Versailles Treaty such a situation occurred following World War No. 1. The impasse was solved by the joint resolution of March 3, 1921, fixing March 3, 1921, as the date of the termination of the present or existing emergency in the interpretation of any acts of Congress, joint resolutions, or proclamations of the President containing provisions

contingent upon the present or existing emergency.

However, doubt existed as to the status of statutes conditional upon the existence of any emergency or national emergency or upon a time of peace. In response to the Secretary of the Navy's inquiry on such statutes, the Attorney General gave his opinion on April 11, 1921 (32 Op. Atty. Gen. 505). In this opinion, the Attorney General held the joint resolution applied to those statutory provisions which in general terms applied to any emergency or national emergency and included the present or existing emergency without specific reference thereto. Likewise the joint resolution affected those statutes relating to the Navy which relate in terms to time of peace, since time of war and time of peace are mutually exclusive. Congress by the joint resolution meant to declare a condition of peace to exist as to the laws of and governing the United States, and hence all laws and regulations depending for their force upon a state of war or emergency were of no further force.

4. EXPIRING ON A DAY CERTAIN

Because of the uncertainty manifest in the afore-mentioned classes of termination clauses, the Congress has resorted increasingly to provisions extending the legislation for a fixed period (commonly 2 years, although other periods, such as 1 year have been employed).

No difficulty is presented by such provisions in ascertainment of the expiration of statutes containing such provisions.

5. VARIATION OF THE AFORE-MENTIONED CLAUSES WITH PROVISION FOR TERMINATION SUBSEQUENT TO THE BASIC CONTINGENCY

A large number of the statutes under consideration are effective for a fixed period (commonly 6 months, although other periods ranging from 3 to 18 months are also used) after the happening of a specified event. An example of such a provision is "the authority granted in this act shall remain in force during the continuance of the present war and for 6 months after the termination of the war." Once the basic contingency (i. e., the date of the termination of the war) is determined, the ascertainment of the date of the end of the additional period follows easily by simple calendar computation.

6. PROVISIONS IN THE ALTERNATIVE FOR TERMINATION PRIOR TO THE BASIC CONTINGENCY

Many of the statutes in addition to providing for termination upon the happening of a contingency, also provide for earlier termination as the Congress by concurrent resolution or the President may designate. Obviously, the date of such earlier termination, rests in the exercise of the discretion conferred by the specific statute, whether it be the Congress or the President.

The Judge Advocate General's Office is continuing its study of the problem raised by termination clauses with a view to determining what administrative or legislative action may be required in connection with the termination of the war. It is hoped that the foregoing incomplete discussion may prove of value to the Committee, and that you will feel free to call upon the Department for further development of any aspect of this problem or the preparation of legislation in connection therewith.

Sincerely yours,

FORRESTAL,
Secretary of the Navy.

AUGUST 21, 1944.

TEMPORARY LAWS RELATING TO THE NAVY, IN FORCE ON JULY 31, 1944

The following classes of temporary laws are not included in the attached list:

(a) Laws which authorize the construction, acquisition, or conversion of vessels for the Navy.

(b) Laws which authorize the appropriation of funds for essential equipment and facilities at private or naval establishments for the building and equipping of naval vessels, the alteration and repair of naval vessels, the manufacture of aircraft and aeronautical material, or the production of ordnance and munitions.

(c) Laws which authorize the appropriation of funds for construction of public works.

(d) Miscellaneous provisions contained in acts making appropriations for the Navy Department and the naval service for the fiscal year 1945.

FEDERAL AID FOR POST-WAR HIGHWAY CONSTRUCTION

The Senate resumed consideration of the bill (S. 2105) to amend and supplement the Federal Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

The ACTING PRESIDENT pro tempore. Consideration of amendments to Senate bill 2105 is in order.

Mr. HAYDEN. Mr. President, the Committee on Post Offices and Post Roads have been giving very careful consideration to the several amendments which were offered to the bill and printed; and have made considerable progress. I was asked by the committee to suggest that if they had a little more time they believe they could bring proposals to the Senate which would be satisfactory to the Senate. I think it would be advisable to allow the committee a little more time, and the Senate, in the meantime, might take up consideration of the calendar or some other business for a while today. Could that be done, I should like to ask the leaders?

Mr. BARKLEY. Of course, it is always in order to call the calendar, but I am wondering whether the members of the Committee on Post Offices and Post Roads, which is now in session, would be interested in the calendar, so that it would be unfair to them to call it in their absence?

Mr. HAYDEN. Mr. President, my judgment is that the committee will not complete consideration of the amendments today. There is one other suggestion which I should like to make, to see if it meets with approval. The suggestion is that we dispense with consideration of the road bill today and let it go over until tomorrow or until Friday, which will give the committee ample time to work the matter out, and that the Senate then resume consideration of the bill.

Mr. BARKLEY. Mr. President in response to the suggestion of the Senator from Arizona I should say that I believe time would really be saved by giving the committee ample opportunity and time to consider the amendments and to thresh them out. It may be that the committee's report to the Senate would be largely satisfactory to those who have offered the various amendments. We all realize that we have arrived at what may turn out to be the tail end of this session, at least for the present. It is

increasingly difficult to keep a quorum in the two Houses of Congress under such conditions. Both sides of the House of Representatives have already entered into an agreement not to transact any other business after the conference reports on the reconversion and surplus property legislation are disposed of. We all know in the Senate how difficult it is to legislate wisely under present conditions.

I am perfectly willing to let the so-called road bill go over until Friday and to have the Senate recess until Friday, but if we can dispose of the calendar today—for many Senators are interested in disposing of the calendar before we shall disperse—I think it ought to be done in the interest of proposed legislation which has been reported to the Senate. I realize, as does the Senator from Arizona [Mr. HAYDEN], the difficulty of legislating at all under present conditions. If we cannot call the calendar today in justice to Senators who are not on the floor, or who are in committee, I feel like stating that we will call it, or attempt to call it, before there is any recess or any adjournment of the Senate.

Mr. HAYDEN. For that matter, we can meet tomorrow for that purpose, or on Friday.

Mr. WHITE. Mr. President, will the Senator yield to me?

Mr. HAYDEN. I yield.

Mr. WHITE. Mr. President, I think in the circumstances, there is much merit in the suggestion that the Committee on Post Offices and Post Roads, to which yesterday was rather committed the task of considering the various proposed amendments, should have further time for the consideration of and for decision with respect to these many amendments. I think probably that in the long run time will be saved by giving the committee time to complete that task now. I should very much dislike to see the calendar called now, without notice to Members of the Senate who are engaged in committee meetings, or who may be on conference committees, and other Senators who are not now in the Chamber. I agree with the distinguished majority leader that some time this week there ought to be a call of the calendar, and that there should be opportunity for disposition of measures on the calendar. However, I hope the Senator from Kentucky will not urge the consideration of measures on the calendar at this time.

Mr. BARKLEY. I do not intend to do so. I made the suggestion in the hope that we might save some time by calling the calendar now. However, I do not wish to take advantage of any Senator who is absent.

Let me explain also that, as I understand, the conferees on the surplus-property-disposition bill have practically agreed. They will not be able to formulate their agreement into language in time to take the matter up this week in the other body, where it must be considered first. I believe an effort is being made to have the report ready for consideration in the House next Monday.

The conferees on the reconversion and unemployment-compensation bill,

known as the George bill, have practically reached an agreement on all but two items, upon which it is impossible for the conferees to agree. The House conferees have decided to take back to the House those two matters for further consideration on the part of the House, to determine whether the House will instruct its conferees either to yield or to adhere to the House amendment to the George bill. That disposition will also be postponed until Monday or Tuesday. The ability of the conferees on that legislation to get together may or may not depend upon the action of the House regarding the House amendments to the George bill. Whatever the action of the House may be, the conferees will meet again to consider the question. At any rate, we cannot hope to have that matter again before the Senate before early next week.

It is important and essential that Senators remain in Washington, because when either of these conference reports comes before the Senate for consideration, any Senator can demand a yeand-nay vote, or he can demand a quorum. Certainly the Senate is not bereft of a sense of responsibility to a degree which would make it indifferent to the final disposition of this legislation at the earliest possible date. For that reason I am urging, with all the force at my command, that Senators remain in the city, where they will be available, until this legislation is completed. I hope that it will not be necessary to repeat this urging on my part, or on the part of any other Senator, with regard to the importance of this legislation. It would be a serious reflection upon the legislative process if, on measures of this kind, with respect to which all Senators are agreed that it is important to dispose of them as quickly as possible, we should find the Senate not in a position to act.

Mr. RUSSELL. Mr. President, because of confusion in the Chamber, I did not hear the statement of the Senator from Kentucky as to the disposition to be accorded Senate bill 2105.

Mr. BARKLEY. The suggestion has been made that the bill go over until Friday.

Mr. RUSSELL. I regret very much that we cannot proceed with the bill today. I cannot be present on Friday.

Mr. BARKLEY. I had hoped that we might dispose of the bill today; but the Senator from Arizona, who is in charge of the bill, requests further time for consideration by the committee of the amendments which have been submitted.

Mr. RUSSELL. I am delighted to know that the committee is going further into the question, which needs closer scrutiny. However, it will be impossible for me to be present on Friday.

Mr. BARKLEY. I regret that the Senator, who is one of the ablest legislators in the Senate, finds himself compelled to be absent on any day, and especially on Friday.

Mr. RUSSELL. I thank the Senator for the compliment he pays me. I wish it were deserved. Perhaps it will be impossible to dispose of the bill on Friday, and it may go over until next week.

Mr. BARKLEY. I do not know about that. If the committee should deal with the amendments in a reasonably satisfactory way, it might be possible to dispose of the bill this week.

Mr. HAYDEN. Mr. President, the committee has made considerable progress with respect to the amendments. I am sure that news will be quite pleasing to Senators who have submitted amendments. I believe it will be possible, with the committee giving its attention to the remainder of the amendments, to bring the bill before the Senate and have it considered without substantial opposition.

Mr. RUSSELL. Mr. President, will the Senator yield to me?

Mr. HAYDEN. I yield.

Mr. RUSSELL. Has the committee considered the advisability of relating a part of the proposed expenditures in some way to the need to afford protection against a condition of unemployment?

Mr. HAYDEN. There was no amendment to that effect pending, and we have not yet reached that question.

The reason why I urged the consideration of the highway bill at this time was that I had been told by Senators interested in the conference reports, which deal with highly controversial matters, as Senators are aware, that it would not be possible to adopt the conference report on either measure—either the George bill relating to reconversion or the surplus-property bill—without having a quorum of the Senate present. That being true, and it being necessary to have a quorum present for those purposes, I thought we might profitably utilize the time in discussion and action upon the highway bill.

The suggestion I should like to make now, and what I should like to have agreed to by unanimous consent, is that if we are to pass the road measure over until Friday, let us have a print of the bill made for the information of the Senate. The print would indicate the changes recommended in the bill by the Committee on Post Offices and Post Roads.

Mr. RUSSELL. Mr. President, I have no disposition to object to the Senator's request. I think it is one which will expedite the proposed legislation. But I should like to inquire whether the Senator thinks the committee is likely to consider any amendment which might in some wise relate some part of this tremendous expenditure to a condition of unemployment in the country. I am now working on an amendment, which I am undertaking to prepare, which would provide for the expenditure of \$200,000,000 a year in any event, but would defer any further expenditures, although the projects could be planned and be made ready for action, dependent upon a condition involving unemployment to the extent of 4,000,000 persons. I hope to furnish to the Senator a copy of the amendment. It is a rather difficult one to draw.

Mr. HAYDEN. If the Senator could do so by tonight—it could be printed at any time—I should be very glad indeed to see that it is brought to the attention of the committee. If it were prepared and

printed, I think it would be very helpful in the committee's consideration of the bill.

Mr. RUSSELL. I hope to have it ready for the committee in a short time.

Mr. HAYDEN. That will be desirable because the committee is sincerely interested in all phases of the matter. We want to report sound legislation which will meet with the approval of all Members of the Senate. After all, the committee is the servant of the Senate.

The ACTING PRESIDENT pro tempore. The Chair is informed that the Senator from Arizona or his committee can obtain a committee print without any action on the part of the Senate.

Mr. HAYDEN. I merely wished to make sure that, whatever we did, we would not have to go through a great many papers.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. WHERRY. I should like to ask the Senator if there are any amendments before the Senator's committee which is considering the pending bill which would restore the old formula, as we have known it for the past year.

Mr. HAYDEN. Oh, yes; there is an amendment which has been offered by the Senator from Virginia [Mr. BYRD].

Mr. WHERRY. Is the Senator and his committee giving that amendment the utmost consideration?

Mr. HAYDEN. It is receiving every consideration.

Mr. WHERRY. I thank the Senator.

THE CALENDAR

Mr. DANAHER. Mr. President, I ask unanimous consent that the Senate proceed to consider House bill 2509, Calendar No. 1096, a bill for the relief of Marie Engert.

The ACTING PRESIDENT pro tempore. The bill will be reported by title, for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 2509) for the relief of Marie Engert.

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. DANAHER. Yes.

Mr. BARKLEY. After further consultation, and at the suggestion of a number of Senators, it seems that we might well proceed now to the call of the calendar. In doing so, we would reach the bill to which the Senator has referred.

Mr. DANAHER. Very well; I withdraw my request.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of bills on the calendar to which there is no objection, beginning at the end of the last call.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, the clerk will proceed to state the measures on the calendar, beginning at the end of the last call, which is Calendar No. 1047.

Does the Senator from Connecticut desire recognition?

Mr. DANAHER. No, Mr. President. The Senator from Kentucky cleared up the point to which I wished to refer.

The ACTING PRESIDENT pro tempore. Then the clerk will proceed to

state the measures on the calendar, commencing with Calendar No. 1047.

BILLS PASSED OVER

The bill (H. R. 4485) authorizing the construction of certain public works on rivers and harbors for flood control and for other purposes was announced as first in order.

Mr. WHITE. Let the bill go over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1218) to repeal the act of June 18, 1934, and for other purposes, was announced as next in order.

Mr. TUNNELL. Let the bill go over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

EXEMPTION OF NATIONAL WAR LABOR BOARD OFFICERS AND EMPLOYEES FROM CERTAIN PROVISIONS OF CRIMINAL CODE

The Senate proceeded to consider the bill (S. 1780) to exempt certain officers and employees of the National War Labor Board from certain provisions of the Criminal Code, which had been reported from the Committee on the Judiciary, with amendments, on page 2, line 11, after the word "Board", to insert "or any of its said agencies"; and in line 12, after the word "Board", to insert "or for 90 days thereafter", so as to make the bill read:

Be it enacted, etc., That nothing contained in sections 109 and 113 of the Criminal Code (U. S. C., title 18, secs. 198 and 203) shall be deemed to apply to any person heretofore or hereafter appointed to the National War Labor Board or any of its agencies under the authority of the War Labor Disputes Act, any Executive order or regulation issued under the provisions of the act of October 2, 1942 (56 Stat. 765), or Executive Order Numbered 9017, dated January 12, 1942, as amended from time to time, because of intermittent service as a member of the National War Labor Board or of a regional board, industry, commission, tripartite panel or similar agency of the National War Labor Board, or as a hearing officer or arbitrator of such Board, if such person is serving or has served in such capacity without compensation, or with compensation on a per diem when actually employed basis for not in excess of 90 days a year: *Provided, however,* That the provisions of this act shall not apply to any representation before the National War Labor Board or any of its said agencies while such person is an officer or employee of the National War Labor Board or for 90 days thereafter.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2061) to provide a national program for war mobilization and post-war adjustment was announced as next in order.

Mr. WHITE. I ask that the bill go over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 3187) to amend section 5, Public Law 140, Seventy-seventh Congress, was announced as next in order.

Mr. RUSSELL. Mr. President, may we have an explanation of this bill? If not, I ask that it go over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

PUNISHMENT OF PERSONS CONSPIRING TO VIOLATE COUNTERFEITING AND OTHER LAWS

The bill (S. 725) to provide for the punishment of persons conspiring to violate the laws relating to counterfeiting, and certain other laws, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That chapter 7 of the Criminal Code, as amended (U. S. C., 1940 ed., title 18, ch. 7), is hereby further amended by adding at the end thereof the following section:

"Sec. 178a. If two or more persons conspire to violate any provision of this chapter, or of sections 205, 218, 219, or 220 of chapter 8 of the Criminal Code, as amended (U. S. C., 1940 ed., title 18, ch. 7, and secs. 328, 347, 348, and 349 of ch. 8), or of the act of August 26, 1935 (49 Stat. 866; U. S. C., 1940 ed., title 18, sec. 349a), and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall, on conviction thereof, be subject to the same fine or imprisonment, or both, as is applicable in the case of conviction for violating such provision."

BILLS PASSED OVER

The bill (H. R. 3592) to amend the Judicial Code in respect to the original jurisdiction of the district courts of the United States in certain cases and for other purposes was announced as next in order.

Mr. WHITE. Let the bill go over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 3750) to provide for the appointment of an additional circuit judge for the third circuit, and to permit the filling of the first vacancy occurring in the office of district judge for the eastern district of Pennsylvania was announced as next in order.

Mr. DANAHER. Let the bill go over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

ARVO KARI, LEMPI K. HOLM, AND BURT JOHNSTON

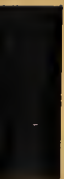
The bill (H. R. 2792) for the relief of Arvo Kari, Lempi K. Holm, and Burt Johnston was considered, ordered to a third reading, read the third time, and passed.

DR. E. S. AXTELL

The bill (S. 1942) for the relief of Dr. E. S. Axtell was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dr. E. S. Axtell, of Rantoul, Ill., the sum of \$398, in full satisfaction of his claim against the United States for compensation for services rendered the United States Engineer Office, Louisville, Ky., in conducting physical examinations of prospective civilian employees of the United States, such claim having been disallowed by the Comptroller General on the ground that payment for such examinations was not authorized by law: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this

15.



DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued September 16, 1944, for actions of Friday, September 15, 1944)

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SENATE

1. ROAD AUTHORIZATION BILL. Passed with amendments this bill, S. 2105, (pp. 7887-917). (For its provisions see Digest 148.)

Agreed to the following committee amendments:

To strike out provisions for Federal contributions toward costs of rights-of-way (p. 7895);

To provide for State matching on a 50-50 basis (p. 7901); and

To reduce the authorizations for Federal-aid highways to \$200,000,000, for secondary and feeder roads (including farm-to-market roads) to \$125,000,000, and for urban highways to \$125,000,000 (pp. 7899-901).

Discussion: Sen. Hayden, Ariz., discussed the committee action on this bill and received consent to have the revised committee print of the bill considered in lieu of the bill as reported to the Senate (pp. 7887-94). Sens. Bushfield, S. Dak., and Stewart, Tenn., spoke favoring local determination of the type of farm-to-market roads to be built in such area (pp. 7900-1). Sen. Hayden, Ariz., inserted a table showing the apportionment of funds among the States as provided by this bill (p. 7917).

Rural electrification. The Lucas amendment (see Digest 148) was not submitted in connection with this bill.

2. CROP INSURANCE. Received the Comptroller General's report of the audit of FCIC transactions from July 1, 1940, to June 30, 1941. To Expenditures in the Executive Departments Committee. (p. 7878.)
3. RURAL ELECTRIFICATION. Sen. Gillette, Iowa, inserted an Eastern Iowa Light and Power Cooperative resolution favoring S. 2034, to reestablish the REA as an independent agency. To Agriculture and Forestry Committee. (p. 7879.)
Sen. Langer, N. Dak., urged consideration of his bill, S. 2140, to provide for the disposition of electric power generated at Fort Peck Dam, Mont. (p. 7886)

4. GRADE LABELING. Sen. Maloney, Conn., inserted a Conn. Federation of Labor resolution favoring a grade-labeling program for the canning industry. To Banking and Currency Committee. (p. 7879.)
5. FLOOD CONTROL. Sen. Shipstead, Minn., submitted an amendment which he intends to propose to H.R. 4485, the Whittington flood-control bill (p. 7881).
6. POST-WAR PLANNING. Director Byrnes' "reconversion report" was ordered printed as a Senate document (S. Doc..237). (p. 7882).
7. ADJOURNED until Tues., Sept. 19. (p. 7922).

HOUSE

NOT IN SESSION. Next meeting Mon., Sept. 18, 1944.

BILLS INTRODUCED

8. VETERANS; EDUCATION. By Sen. Kilgore, W. Va., S. 2148, to provide that the education and training provided for by the Servicemen's Readjustment Act of 1944 shall be made available to veterans on an equal basis without regard to the 25-year-old age limitation. To Finance Committee. Remarks of author (p. 7881.)

ITEMS IN APPENDIX

9. POST-WAR AGRICULTURE. Sen. Jackson, Ind., inserted his address on post-war plans for agriculture in which he commends this Department's aid to agriculture and states that farm production on a sound basis is dependent upon full employment, assistance to low-income families, and reasonable level of farm exports (pp. A4383-4).
10. LATIN AMERICA; LABOR. Sen. Chavez, N.Mex., inserted his address criticizing "discriminatory labor practices" against American citizens of Spanish descent which deny them the "right to pick citrus fruit in Florida simply because of the objection of American labor groups" (pp. A4384-5).
11. POLITICAL ACTIVITIES. Sen. Willis, Ind., inserted his address in which he states, "In many...key departments in Washington are found those who are sabotaging from within America's traditional form of government" (pp. A4385-6).
12. FARM PROGRAM. Sen. Thomas, Okla., inserted his statement, "Farm Program: The Farm Problem Is a Price Problem," which recommends 100% parity prices, enumerates the "New Deal Farm Laws", and summarizes the Republican and Democratic farm programs (pp. A4386-7).
13. LIVESTOCK INDUSTRY. Sen. Robertson, Wyo., inserted William B. Wright's address criticizing governmental regulations attempting to stabilize livestock production (pp. A4387-8).
14. CONGRESSIONAL REORGANIZATION. Sen. Shipstead, Minn., inserted Walton Hamilton's article, "Blueprint for a Virile Congress," in which he describes a method for making Congress more efficient (pp. A4397-9).
15. INFLATION. Sen. Walsh, N. Y., inserted a New York Times editorial discussing the possibility of appeasement from the wage freeze of the Little Steel formula (p. A4400).

sult of the Dumbarton Oaks Conference, and other conferences among the representatives of this Nation and other members of the Big Four or Big Five, which will soon include France, I trust that before long a definite policy will be laid before this body. Then we can thresh out this whole subject.

Only last week I introduced a resolution providing for a report to the Senate, the copartner in treaty making, by the Secretary of State, of the steps which were in contemplation and of the commitments, if any have been made. Taking language out of the mouth of the distinguished senior Senator from Michigan [Mr. VANDENBERG], who used it in relation to another matter today, I am hoping that the committee will soon act on that resolution.

FEDERAL AID FOR POST-WAR HIGHWAY CONSTRUCTION

The Senate resumed consideration of the bill (S. 2105) to amend and supplement the Federal Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

Mr. HAYDEN. Mr. President, the Committee on Post Offices and Post Roads, at meetings yesterday and the day before, considered numerous amendments to the bill submitted by various Senators, which amendments had been printed and referred to the committee. The committee, on its own motion, acted on a number of suggestions and recommended certain changes in the text of the bill. At the direction of the committee I have had prepared a committee print, dated September 15, which shows the amendments recommended by the committee. The amendments recommended by the committee are printed in italic. I am sure that it would save the time of Senators if I could obtain unanimous consent to have the text of the committee print considered in lieu of the text of the bill as reported to the Senate. We could then take up the committee amendments and dispose of them in that way.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arizona?

Mr. WHITE. Mr. President, as I understand, the Senator is asking that the committee print, either improving or marring the bill as originally reported, be considered in lieu of the bill as reported to the Senate?

Mr. HAYDEN. That is correct.

Mr. WHITE. I am in complete harmony with the request. I believe the Senator's suggestion would make a contribution toward the disposition of the bill.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. MALONEY. I should like to ask the Senator a question. I have not had an opportunity to study the committee print carefully. However, I have hereto-

fore submitted certain amendments. If we follow the procedure now suggested, it will be necessary to change all those amendments. Would it be agreeable to the Senator to have amendments submitted for consideration at the proper place in the bill?

Mr. HAYDEN. The idea I had in mind was that we should first consider the committee amendments. The bill would then be open to further amendment.

Mr. MALONEY. I thank the Senator.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arizona that the committee print be considered in lieu of the bill as originally reported from the committee? The Chair hears none, and it is so ordered.

Mr. HAYDEN. Mr. President, I ask unanimous consent that the bill be read for amendment, and that the amendments of the committee be first considered.

The VICE PRESIDENT. Without objection, it is so ordered.

The first amendment reported by the committee will be stated.

The first amendment of the Committee on Post Offices and Post Roads was, in section 1, on page 2, line 4, after the word "mapping", to strike out "costs of rights-of-way"; and in line 5, after the word "crossings", to insert "but does not include costs of rights-of-way."

Mr. WILEY. Mr. President, will the Senator make a statement showing what the committee has accomplished?

Mr. HAYDEN. I think before we consider the committee amendments I should perhaps make a brief statement.

Senators will notice that the first amendment strikes out the words "costs of rights-of-way." That amendment was recommended by the committee on the suggestion of the Senator from Georgia [Mr. RUSSELL]. Senators will remember that he discussed the question on the floor of the Senate. The committee took that action because heretofore the Federal Government has never contributed anything toward the costs of rights-of-way. That has always been a State expense.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. BRIDGES. Is the committee print available?

Mr. HAYDEN. It is on the desks of all Senators.

The first amendment, to which I have just referred, involves a series of amendments, on page 2, page 3, and page 12. It even involves an amendment to the title of the bill.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. WILEY. Just what does that amendment mean? Does it mean that the matter of rights-of-way is now entirely a State matter?

Mr. HAYDEN. It has always been a State matter. The bill which was reported to the House—and in the beginning we adopted the House view—proposed that the Federal Government contribute toward the costs of rights-of-way; but now, by action of the committee, wherever that term appears in the

bill it is to be stricken out, leaving the situation as it is under existing law.

Mr. WHITE. Mr. President, will the Senator yield for a general inquiry?

Mr. HAYDEN. I yield.

Mr. WHITE. Do the amendments which appear in the committee print come to the Senate with the unanimous approval of the committee; or was there a division with respect to some of them?

Mr. HAYDEN. Undoubtedly there is a division with respect to some of them. I know that there is a division with respect to the question of rights-of-way. There is a very decided division of opinion. I am merely stating what is in the bill. When we come to consider whether or not any particular amendment shall be adopted, undoubtedly discussion will ensue.

Mr. WHITE. I had the impression that the amendments were unanimously agreed to by the committee. I wished to make sure whether that was true.

Mr. HAYDEN. No.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. McKELLAR. The committee was practically unanimous in the end. The Senator from Michigan [Mr. FERGUSON] objected to the rights-of-way provision, and I believe also with respect to the definition of "urban area." He will explain his position when the time comes; but, with that exception, I believe that the committee was practically unanimous.

Mr. HAYDEN. The next amendment of consequence, suggested by the Senator from Tennessee [Mr. McKELLAR], is on page 3. It makes it perfectly clear that no money will be appropriated under this authorization until after the war is over. The suggested proviso reads as follows:

Provided further, That except for the sum appropriated pursuant to the preceding proviso, no part of the funds made available pursuant to this act shall be used to pay costs incurred under any construction contract entered into by any State before the beginning of the first post-war fiscal year.

The "sum appropriated pursuant to the preceding proviso" is a comparatively small sum.

The first post-war fiscal year is defined as follows:

The first post-war fiscal year shall be that fiscal year which ends on June 30 following the termination of the present war emergency, or as otherwise directed by the Congress.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. WILEY. If I correctly understand, no funds will be appropriated until after the last shot is fired and either the Congress or the President declares that the war is terminated.

Mr. HAYDEN. That is correct.

Mr. WILEY. In other words, if as a matter of fact we were in possession of Japan and were fighting there for some time, this provision would not go into operation unless the Congress declared that the war was over; is that correct?

Mr. HAYDEN. That is correct.

Mr. WILEY. Or unless the President so declared?

Mr. HAYDEN. That is correct.

Mr. BALL. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. BALL. I am not sure that the language "before the beginning of the first post-war fiscal year" is quite clear. For instance, does it mean that if the war is over in January, contracts entered into up to June 30 of that fiscal year will be eligible for assistance, under the provisions of the bill? Or would it be in the following year?

Mr. HAYDEN. One enters into a contract when he has authority to do so. The provision granting the authority states:

Provided, That of the sum authorized to be appropriated for the first of such fiscal years \$100,000,000 may be appropriated to become available immediately upon apportionment—

And so forth. Then it says—

Provided further, That except for the sum appropriated pursuant to the preceding proviso, no part of the funds made available pursuant to this act shall be used to pay costs incurred under any construction contract entered into by any State before the beginning of the first post-war fiscal year. The first post-war fiscal year shall be that fiscal year which ends on June 30 following the termination of the present war emergency, or as otherwise directed by the Congress.

Mr. BALL. Does that mean that if the termination of the war emergency occurs in, let us say, January 1946, any contract entered into in the fiscal year ending June 30, 1946, would be included, under the bill as now written? Or would it be contracts entered into in the fiscal year ending June 30, 1947?

Mr. HAYDEN. It is bound to be those entered into in the following fiscal year, because, so far as the appropriation is concerned—the paying out of money, which is what we are concerned with—the money could not be paid out until the State made a contract, until that contract was approved by the Federal Works Administration in Washington, and the State did the work. Then we would pay our share. So it follows about a year behind. There is generally about a year's lag.

Mr. BALL. If the war ends in January, we do not want to make the States wait until the following June 30 to let contracts under this authority. If they are going to do work immediately after the war, they will have to let the contracts before that.

Mr. HAYDEN. The Senator is correct.

Mr. BALL. I am not clear what that language means.

Mr. HAYDEN. Let us say that the war ends on the 15th of January; then it will be the fiscal year ending June 30 following.

Mr. BALL. So within 6 months they will be able to let the contracts?

Mr. HAYDEN. That is correct.

Mr. BURTON. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. BURTON. I understand that it means any time after the end of the war.

Mr. HAYDEN. That is correct.

Mr. BURTON. That is, it is not to be postponed to any time after the war is at an end.

Mr. HAYDEN. When the war is at an end, it will go into effect.

Mr. BURTON. That is correct, because the first post-war fiscal year is going on at the time when the war ends. Immediately after the war ends the expenditure can be made, and the contract can be made at any time before that.

Mr. McKELLAR. That is correct.

Mr. HAYDEN. That is right.

The next important change in the bill is in respect to the reduction in the amounts. The bill as introduced authorized the appropriation of \$650,000,000 a year for 3 years. The committee made a change, first, by providing that the contribution of the States and the Federal Government should be 50-50; in other words, that it should be equal, instead of 60 percent Federal and 40 percent by the States. When that change was made, of course it reduced the ability of the States to match, because they will have to put up an equal sum, rather than 40 percent. That was one reason why the amount authorized to be appropriated was reduced. Some question was raised as to whether the States could match \$650,000,000 on a 50-50 basis. So that was one reason why the reduction was made.

In apportioning the amount left after the proposed reduction, the \$450,000,000 is proposed to be divided as follows:

Two hundred million dollars a year for projects on the Federal-aid highway system, instead of \$250,000,000, as heretofore proposed.

One hundred and twenty-five million dollars a year to be available for projects on the principal secondary and feeder roads—the farm-to-market roads—instead of \$200,000,000.

And \$125,000,000 for projects on the Federal-aid highway system in urban areas.

Mr. BUSHFIELD. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. BUSHFIELD. I should like to inquire whether under the authorization for appropriations for urban areas—let us say, for instance, the city of New York—when it receives its quota or share of that allotment, will it also receive part of the Federal-aid funds, the \$200,000,000 the Senator just mentioned?

Mr. HAYDEN. Oh, yes.

Mr. BUSHFIELD. That would be giving them a double allotment, would it not?

Mr. HAYDEN. Oh, no.

Mr. BUSHFIELD. Why not?

Mr. HAYDEN. Every State has the same status.

Mr. BUSHFIELD. I do not mean only in New York; I mean in any State. Why should an urban area or city participate in the general Federal-aid funds, in addition to what is allowed for the area or city?

Mr. HAYDEN. The same principle is applied to other areas. The rural areas participate in the Federal-aid fund. The farmer or merchant or rancher comes into town on a Federal-aid highway. He participates in its use just as much as does the city resident through whose city the Federal-aid highway goes. It can be improved within the city limits, as well as outside of them. I do not think a double

amount is provided for at all. Certainly I think it would not be advantageous to the rest of the Nation to say that Federal funds could not be used to improve a road within a city, for, in that event, the farmer himself could not get through the town if the road or streets there had not been improved.

Mr. BUSHFIELD. Is the authorization confined merely to the main street, or would it apply to all the streets of the city?

Mr. HAYDEN. No; it is confined to the Federal-aid system going through the city.

Mr. BUSHFIELD. Then it would be confined to one or two or perhaps three streets going through a city; is that correct?

Mr. HAYDEN. That is correct.

Mr. BUSHFIELD. They would be the only ones on which the money could be expended; is that correct?

Mr. HAYDEN. Yes; they would be the only ones on which the money could be expended.

Mr. TUNNELL. Mr. President, if the Senator will yield to me, I should like to inquire whether a State must raise the full amount of its quota, or will it be able to benefit to the extent of the amount it does raise?

Mr. HAYDEN. The Senator's last statement is correct. No State is obligated to raise any particular amount of money at all, but it is assured that its proper share will be available if it matches it 50-50.

Mr. TUNNELL. And it will benefit only according to the amount it does raise; is that correct?

Mr. HAYDEN. That is correct.

Mr. TUNNELL. I thank the Senator.

Mr. LANGER. Mr. President, in connection with the question asked a moment ago by the Senator from South Dakota [Mr. BUSHFIELD], I call attention to the language on page 4, lines 7 to 11. Of course, we should not have any misunderstanding about this matter. In towns of less than 5,000 population, not only one street, but all the streets, can be improved.

Mr. HAYDEN. That is correct. So far as the smaller towns are concerned, they come under the secondary system.

Mr. MALONEY rose.

Mr. HAYDEN. I yield to the Senator from Connecticut.

Mr. MALONEY. I wish to ask the able senior Senator from Arizona if the provisions of the bill do not go beyond the anticipation of the Senator from Delaware [Mr. TUNNELL]. Is it not possible for the States under certain conditions to obtain more than the amount of money suggested by him, if they do not raise by taxes a sufficient amount?

Mr. HAYDEN. There is an amendment, offered by the Senator from Pennsylvania, which I had intended to discuss in a moment. In connection with the secondary-road funds, it has been urged, particularly in respect to the Northeastern States, which are primarily concerned with the city-traffic problem, that they have already improved their secondary roads to such an extent that they do not need the Federal aid-money. For instance, in States such as Connecti-

cut or Massachusetts one town practically runs into another. So the Senator from Pennsylvania [Mr. Davis] offered the following amendment, which was adopted by the committee:

Provided further, That in any State having a population density of more than 200 per square mile, as shown by the latest available Federal census, the said system may be selected without regard to included municipal boundaries.

In other words, in the case of a secondary highway which comes up to a municipal boundary, at the present time none of the money can be spent within the limits of the town if the town has 5,000 population or more. The amendment would permit the secondary-highway money to be used to improve roads within town limits in the very thickly settled States. The argument was that it was of no concern to the other States. It did not affect their portion of the money to be used. It was necessary to handle it in that way in order to meet the existing situation.

The States which would be affected by the amendment are Rhode Island, with a density of population of 674.2 a square mile; New Jersey, with a density of population of 533.9 a square mile; Massachusetts, with a density of population of 545.9 a square mile; Connecticut, with a density of population of 348.9 a square mile; New York, with a density of population of 281.2 a square mile; and Pennsylvania, with a density of population of 219.8 a square mile.

Following that amendment was the proposal made by the Senator from Delaware [Mr. Buck]. He stated that the State highway departments of Delaware, North Carolina, and Virginia had taken over control of all the roads in those States. There is no county authority, or any other authority with respect to the supervision of the roads. The State highway department looks after all the roads in each of those States. Under those circumstances, it was stated, there was no occasion or necessity for a division into the categories to which I have referred. So the Senator from Delaware made the following proposal:

That any of such funds for secondary and feeder roads which are apportioned to a State in which all public roads and highways are under the control and supervision of the State highway department may, if the State highway department and the commissioner of public roads jointly agree that such funds are not needed for secondary and feeder roads, be expended for projects in such State on the Federal-aid highway system.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. McCLELLAN. That would enable, would it not, every State to obtain the full benefits which are provided in the pending bill, whether the money were used on secondary roads, or on the Federal-aid highway system?

Mr. HAYDEN. Yes; provided that the State highway department has control of all the roads within the State. There are only three States in that category, namely, Delaware, Virginia, and North Carolina. I understand that the State of West Virginia is rapidly approaching such a status,

Mr. LANGER. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. LANGER. Under the language of the bill to which the Senator has referred, there would be no penalizing of any other State in its allotment of funds, would there?

Mr. HAYDEN. No.

Mr. BYRD. Mr. President, will the Senator yield in order that I may propound a question to him?

Mr. HAYDEN. I yield.

Mr. BYRD. Am I to understand that funds appropriated for secondary roads within the States to which the Senator has referred might be used on primary roads?

Mr. HAYDEN. Not unless the State highway department and the Public Roads Administration so agree.

Mr. BYRD. In Virginia the State constructs and maintains all roads. As I understand, the funds could be diverted only at the discretion of the bodies referred to by the Senator?

Mr. HAYDEN. If the State highway department and the Public Roads Administration should agree that such a diversion were necessary in the State of Virginia, it could be made.

Mr. BYRD. But it would not be mandatory?

Mr. HAYDEN. No.

Mr. BYRD. Personally, I wish to see the farm-to-market roads given as much help as possible.

Mr. HAYDEN. Yes.

Mr. BYRD. But such help would be entirely discretionary.

Mr. HAYDEN. Yes.

Mr. BYRD. Would the fund be available for grading and maintenance as well as construction?

Mr. HAYDEN. No.

Mr. BYRD. Then I believe this would raise a very serious objection. Many of our secondary roads are only maintained and graded. They are not constructed. They are scraped and graded and kept in good condition by minor repairs. In Virginia there are certain types of soil which have a solid surface. Why would it not be proper to use a portion of the funds for maintenance?

Mr. HAYDEN. In so doing we would depart from a principle which was adopted many years ago.

Mr. BYRD. Who would determine the specifications for secondary roads?

Mr. HAYDEN. That would be done by agreement.

Mr. BYRD. Would not the Federal Government have a final voice in the matter?

Mr. HAYDEN. No.

Mr. BYRD. I think it would, because it could refuse funds for any construction of which it did not approve.

Mr. HAYDEN. The following provision relating to secondary roads will be found on page 4 of the bill:

Provided, That these funds shall be expended on a system of such roads selected by the State highway departments in cooperation with the county supervisors, county commissioners, or other appropriate local road officials and the Commissioner of Public Roads.

Mr. BYRD. I am speaking of the various types of construction. Under this

bill, would not the Federal Government have control over the type of construction of secondary roads?

Mr. HAYDEN. I think that the answer could be put in this way: The Federal Government is interested in seeing that the money is not wasted, and for that reason it should have something to say about the width and the type of the road to be constructed.

Mr. BYRD. The Government will have control of the type of construction.

Mr. HAYDEN. No.

Mr. BYRD. Yes; it will. The Government has control in connection with primary roads at the present time. The Federal Government can now refuse to allot funds for any construction project the type of which it does not approve. Is that not true?

Mr. HAYDEN. Technically, it is true.

Mr. BYRD. It is true, whether technically or not.

Mr. HAYDEN. Would not the Senator from Virginia be opposed to the expenditure of money from Federal funds if the Government did not approve of it?

Mr. BYRD. I think the Federal Government can veto any type of construction of roads which the State may recommend.

Mr. HAYDEN. Would the Senator take away entirely such veto power and say that we should appropriate money from the Federal Treasury without the right to exercise any supervision over it hereafter?

Mr. BYRD. I am not now concerned with the question of primary roads. The construction of such roads has been standardized, and it is well understood. But we are being asked to consider projects in a comparatively new field, relating to secondary or farm-to-market roads, many of which do not require construction and have many types of construction. It is possible for the Federal Government to establish standards with which the State cannot comply.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. HAYDEN. I yield.

Mr. McKELLAR. From the very beginning that has been the law with regard to primary roads. I have never heard of a difference existing between the State authority and the Federal Government which has not been adjusted. It will be so with regard to secondary roads. I am sure that whatever standards may be set up, they will be set up in such a manner as to carry out the provisions of the proposed act according to its purpose, and it will be exceedingly beneficial to the States, in my judgment, for them all to agree to the standards and carry them out just as has been done with regard to primary roads which, in my judgment, have been the greatest success of any road system that was ever inaugurated in the world.

Mr. BYRD. At the beginning of the construction of primary roads there was a great deal of dissension between the States and the Federal Government. At one time we had accumulated in Virginia a fund of five or six million dollars because the State and the Federal Government could not agree upon types of construction. This was a long time ago, it is true.

In Virginia we have 50,000 miles of roads, about 10,000 in the primary system and 40,000 in the secondary system. It would be impossible to construct all of such mileage with solid construction. Why should not some of the proposed funds be used for maintenance as well as construction?

Mr. HAYDEN. Only because the Federal Government has never, up until now, adopted such a policy.

Mr. BYRD. Has it ever embarked on a program of this magnitude and character to improve farm-to-market roads?

Mr. HAYDEN. Yes; the Government started to do so about 10 years ago.

Mr. BYRD. How much money was appropriated?

Mr. HAYDEN. Up until now the Government has appropriated a total of approximately \$150,000,000.

Mr. BYRD. How much did it appropriate last year?

Mr. HAYDEN. I believe it appropriated approximately \$25,000,000.

Mr. BYRD. It is now being proposed to increase the appropriation to \$125,000,000.

Mr. HAYDEN. Yes.

Mr. BYRD. I think we should consider the advisability of using some of those funds for maintenance. What objection could there be to doing so?

Mr. HAYDEN. The objection is that if we begin paying for maintenance of any kind of a road we will not have a highway system, and our money will be frittered away.

Mr. BYRD. Our money will not be frittered away if we use it efficiently for the purpose of maintenance of roads.

Mr. HAYDEN. How many miles of secondary highway does the Senator estimate there are in Virginia?

Mr. BYRD. Of the approximately 50,000 miles, about 10,000 miles are in the primary system, the remaining 40,000 miles in the secondary system.

Mr. HAYDEN. How much of the 40,000 miles can be handled by maintenance?

Mr. BYRD. A great deal of it can be; in lower Virginia where the soil is sandy much of it can be.

Mr. HAYDEN. It cannot be done in a clay area.

Mr. BYRD. No; not in a clay area, but it can be in a shale area and in a sandy area.

Mr. HAYDEN. What is the cost of maintenance of the State of Virginia primary roads in the sandy section?

Mr. BYRD. At the moment I cannot give the Senator the figures, but dragging or scraping the roads every 60 or 90 days will keep them in good condition.

Mr. HAYDEN. If it is not expensive, then the local authorities can take care of it; but when it is necessary to do work that will keep vehicles out of the mud and out of the clay so that they will not bog down it is necessary to use gravel.

Mr. BYRD. Will the Senator accept the amendment offered by the Senator from South Dakota [Mr. BUSHFIELD] providing that secondary roads shall be constructed under plans and specifications

approved by the State highway department for each State?

Mr. HAYDEN. Does the Senator seriously recommend that we shall appropriate money out of funds in the Treasury and shall have no supervision over its expenditure and as to how the work shall be done?

Mr. BYRD. I asked the Senator if he would accept the amendment of the Senator from South Dakota.

Mr. HAYDEN. I doubt if it would be acceptable to the Senate.

Mr. BYRD. There may be some supervision, but I do not think the Federal Government should be permitted to make an allocation of \$125,000,000 for the purpose of constructing costly types of secondary roads, and determine the whole matter itself. If that is done, I fear it will destroy the entire project.

Mr. McKELLAR. Mr. President, let me call the attention of the Senator from Virginia to a fact. The Senator recalls, as we all recall, the authorization for W. P. A. roads. They were built virtually without supervision by anybody; they were built for a different purpose, largely to create employment, and in that way they probably did some good. But the difficulty of maintaining them, of dragging the roads, and things of that sort almost brought on a scandal at the time. We do not want to repeat it. The Government in handling this money has handled it well and has cooperated with the States in a most proper fashion, it seems to me, in establishing a great system of primary roads. I am quite sure that if the Senator will permit this bill to go through as the committee has recommended it, he will find that it will afford the best possible means of providing roads in the various States.

Mr. BYRD. I may say to the Senator from Tennessee there is no comparison whatever between W. P. A. and what they did and the roads built by the State highway departments. The roads built by the State highway departments are efficient, and, so far as maintenance is concerned, there are thousands and hundreds of thousands of roads which require nothing but maintenance, and probably never will require anything but maintenance for years to come. The money spent on maintenance is the most effective that can be spent.

Mr. BARKLEY. Mr. President, if the Senator from Arizona will yield, I think it was true, it certainly was in my State, that the W. P. A. roads were worked out and constructed and improved in conjunction with the county road authorities. I do not know of any road in my State that was simply taken over; the W. P. A. had no jurisdiction over the roads; they had to work out their plans with the county road authorities, and in many cases with the State highway departments. Some of the best roads built in my State were built by W. P. A. in cooperation with the county authorities and all the more important roads which were improved were improved largely in cooperation with the State highway commission. So I do not think it is quite fair to say that the W. P. A.

just barged in, and did a lot of unnecessary work merely to give people jobs.

Mr. HAYDEN. It depended upon what kind of an arrangement was made with the States—

Mr. BARKLEY. It had to be a cooperative arrangement.

Mr. HAYDEN. Because the county sponsored the project. The W. P. A. in many States utilized the engineering advice and skill of the State highway department, and did a good job; in other places they did not; there was no uniform rule.

Mr. BARKLEY. I do not know of any case in which even when the W. P. A. took charge and spent all the money necessary to improve a road the county did not sponsor it and put up a certain amount.

Mr. LANGER. Mr. President, in regard to the matter of veto power brought up by the distinguished Senator from Virginia, let me call the attention of the Senate to the fact that the original draft, on line 11, page 4, provided:

That these funds shall be expended on a system of such roads selected by the State highway departments in cooperation with the county supervisors, county commissioners, or other appropriate road officials, subject to the approval of the Commissioner of Public Roads.

The committee not wanting that power to be lodged in the Commissioner of Public Roads in the case of secondary roads struck out the words "subject to the approval of the Commissioner of Public Roads."

Mr. HAYDEN. And made it a cooperative arrangement.

Mr. LANGER. Yes; it was made a cooperative enterprise.

Mr. HAYDEN. Mr. President, the next item—

Mr. REED. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. REED. While the Senator from Virginia was on his feet I wanted to ask him a question to clear up in my mind a statement he made about the State of Virginia. I understood the Senator from Virginia to say that in the Virginia primary system there were some 10,000 miles of roads. May I inquire of the Senator from Virginia if he meant by that Federal-aid roads?

Mr. BYRD. No; only a small part of them are Federal-aid roads. I was speaking of what we classify as the primary system which are the main roads of the State. Only a small part of them are designated as Federal highways.

Mr. REED. According to a statement I have in my hand, the Federal-aid highway mileage in Virginia is 4,640.

Mr. BYRD. I was speaking of the State system of primary roads.

Mr. REED. If the Senator from Arizona will yield for a moment further, I wish to express my complete concurrence with the Senator from Arizona and the Senator from Tennessee in their position that when we appropriate money from the Federal Treasury certainly the Federal Government must exercise some supervision over its expenditure. Any

other policy would be unthinkable unbound.

Mr. LANGER. Mr. President, will the Senator from Arizona yield?

Mr. HAYDEN. I yield.

Mr. LANGER. Is it not true, so far as the veto power is concerned, the power which it is claimed the Commissioner of Public Roads has, that under the provision between lines 12 and 16 on page 4 the county supervisor has a veto power and the county commissioners have a veto power and other appropriate road officials have a veto power just as great as that of the Commissioner of Public Roads?

Mr. HAYDEN. Of course, he cannot force anything they do not want.

Mr. BYRD. The difference is the Commissioner of Public Roads can withhold the funds; that is where the power lies. The local people cannot withhold anything. They may disagree, and not get any allotment at all if there is a difference between the two.

Mr. HAYDEN. The Senator would not take that Federal authority away, would he?

Mr. BYRD. If there is a difference between the two the Federal authorities prevail.

Mr. HAYDEN. The Federal authorities approve a project. That is the way it has been done heretofore.

Mr. BYRD. And so the Government controls.

Mr. HAYDEN. No; I do not think so.

Mr. BUSHFIELD. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. BUSHFIELD. Before we leave this subject, I want to express complete concurrence with the Senator from Virginia. My conviction comes from personal experience of 4 years in dealing with the Bureau of Federal Roads as Governor of my State. When the Senator from Tennessee says that the road-building program will be worked out satisfactorily, it will be worked out satisfactorily if the State highway commission and the State absolutely agree to what the Federal Bureau of Roads and its engineers tell them. That is the only way it will be worked out. It is all right for the Senator from Arizona to smile, but I am talking from personal experience. I know what the conditions are in my State. We have not used any of the secondary road money in our State simply because we will not and cannot build the type of road the Federal engineers demand. That was the point the Senator from Virginia was making. We want to use the money for farm-to-market roads so that some benefit may be derived from it by the farmers as well as by the tourists who travel through the States. If the bill is put in such a form that we cannot comply with it, we will not get the money.

I have offered an amendment to permit the State highway departments of the various States to determine the plans and specifications for secondary roads. The committee disagreed. I think they have made a mistake in that respect.

So far as the statement of the Senator from Kansas about supervision is concerned, the amendment does not provide for supervision of the money; but the

State highway commissions in the various States are a high-type body of men, who have built a wonderful system of roads in this country, and I ask only that they have the power to design the specifications and blueprints for roads which will suit the needs of each particular State and not the views of those who make the decision in Washington.

Mr. HAYDEN. Mr. President, the next principal change made by the committee appears on page 5. As the bill was reported originally it provided that money for Federal aid for secondary roads should be apportioned in accordance with the provisions of section 21 of the Federal Highway Act; that is, one-third according to the area of the State, one-third according to the population of the State, and one-third according to the mileage of post roads.

The junior Senator from Tennessee [Mr. STEWART] suggested that the proper basis on which to apportion the money was one-third on the area of the States, one-third on the mileage of post roads, and one-third on the ratio the rural population of the State bears to the rural population of the United States. So Senators will see that the amendment provides for that.

The \$125,000,000 per year available for projects on the secondary and feeder roads shall be apportioned among the States in the following manner: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the rural population of each State bears to the total rural population of all the States, as shown by the Federal census of 1940; and one-third in the ratio which the mileage of rural delivery and star routes in each State bears to the total mileage of rural delivery and star routes in all the States.

The argument for that was persuasive, too, because we have taken an equal sum of money, \$125,000,000, and apportioned it among the States according to the population of cities and towns of 5,000 and more. So we emphasize in the authorization for the appropriation, which goes to the cities, that the population of the cities is the sole factor. In the case where the money is to be expended on highways utilized by the rural population, mileage facilities are the principal factor.

Mr. STEWART. Mr. President—

The PRESIDING OFFICER (Mr. JACKSON in the chair). Does the Senator from Arizona yield to the Senator from Tennessee?

Mr. HAYDEN. I yield.

Mr. STEWART. The Senator was discussing paragraph (b)?

Mr. HAYDEN. Yes; which is based upon an amendment which the Senator himself offered.

Mr. STEWART. That is the same wording, I believe, found in the amendment I intended to propose, and as I understand, the committee has accepted the amendment.

Mr. HAYDEN. We recommend the provision to the Senate.

Mr. STEWART. In order that I may understand the situation, in the reprint the matter printed in italics is new matter?

Mr. HAYDEN. I have obtained unanimous consent that when I conclude my discussion in general, the bill shall be read for amendment, and we will take up the amendments in their order as they appear in the bill. The one to which the Senator refers will be reached in due course.

Mr. STEWART. Let me propound a parliamentary inquiry. It will not now be necessary for me to offer this amendment, in the light of the statement the Senator has made?

Mr. HAYDEN. Not at all. This amendment comes recommended by the committee as a committee amendment.

Mr. STEWART. As a part of the bill itself?

Mr. HAYDEN. When adopted by the Senate.

Mr. STEWART. If and when adopted, of course. I think the formula is quite correct. The urban money is being spent on urban population basis and distributed among the towns of over 5,000 population. Therefore it should not be unfair to distribute money to be spent on rural roads under a formula based upon rural population. Of course, this would increase the amount going to strictly rural States, but, on the other hand, the cities get all the money from the urban funds. It is about balanced. I thank the Senator and the other members of the committee for accepting my amendment.

Mr. HAYDEN. The Senator made a very persuasive argument, which impressed the committee.

Mr. President, the next amendment of serious importance is on page 6, an amendment suggested by the junior Senator from Virginia [Mr. BYRD], wherein he proposes to strike out the figures "60" and insert "50." In other words, he would provide that "the Federal share payable on account of any project provided for by the funds made available by this act shall not exceed 50 percent of the construction cost thereof."

Mr. BYRD. That is existing law.

Mr. HAYDEN. That is the existing law.

Mr. BYRD. It is in harmony with all the other Federal grants.

Mr. HAYDEN. The committee recommends that the amendment proposed by the Senator from Virginia be agreed to.

Mr. LANGER. Will the Senator from Arizona yield?

Mr. HAYDEN. I yield.

Mr. LANGER. What is to become of the States which simply cannot match?

Mr. HAYDEN. The problem is partly met by the recommendation of the amount in the bill. If they had to match \$650,000,000, it would be harder than if they had to match \$450,000,000, and the 50-50 arrangement makes it easier for them to go as far as they can. I admit it is going to be a hardship on some States, but all the States can do is to go as far as they can. Just as I indicated to the Senator from Delaware, if a State runs out of money, it cannot any longer match.

Mr. LANGER. I thought it was understood the other day at the committee meeting that it would be left at 60-40.

Mr. HAYDEN. It was, but the committee reversed itself after considering the amendment offered by the Senator from Virginia [Mr. BYRD].

Mr. BURTON. Will the Senator yield?

Mr. HAYDEN. I yield.

Mr. BURTON. Am I to understand that the amendment suggested by the Senator from Virginia will apply to all 3 years?

Mr. HAYDEN. Oh, yes.

Mr. BURTON. The bill which was passed by the House made it 60-40 for the first year, but this will apply for all 3 years?

Mr. HAYDEN. Yes. On page 7 of the bill there are two provisions to which I think I should direct attention.

Mr. WHERRY. Is the Senator about to proceed to page 7?

Mr. HAYDEN. Yes.

Mr. WHERRY. Does that relate to the restrictions on the amendment just referred to?

Mr. HAYDEN. No; it relates to railway-grade crossings.

Mr. WHERRY. I beg pardon.

Mr. HAYDEN. The junior Senator from Georgia [Mr. RUSSELL] exercised a very persuasive influence on the committee, and in several places in the bill the committee recommended striking out any reference to the acquisition of rights-of-way. That is why the language from line 10 to line 16 on page 7 is stricken out. It is to eliminate the words "except that not more than 50 percent of the right-of-way and property damage costs," and so forth. We reinserted that language, leaving out the right-of-way provision.

Then there is a proviso at the end of the paragraph, for which I think the Senator from Georgia will also take some responsibility, namely, "That no Federal funds shall be expended on any such project unless the railway or railways involved pay not less than 15 percent of the construction cost of such project."

During the depression, when we had two objects in mind, one to prevent the terrific loss of life occurring throughout the United States at railroad-grade crossings, the other to provide work for the unemployed, knowing that the railroads were in very poor financial condition, we provided for a 50-percent Federal contribution. In the judgment of the committee, the railroads should be required to pay 15 percent of the cost.

Mr. RUSSELL. Mr. President, I appreciate the Senator's reference to me. I wish I could have been more persuasive in the committee in regard to some other amendments.

I merely wish to say that up until recent years the railroads were required to pay 50 percent of the cost of the elimination of the crossings. I think they should pay as much as 25 percent now. However, the provision for 15 percent does require some contribution on the part of the railroads, which benefit tremendously from the elimination of the crossings.

Mr. HAYDEN. The railroads benefit and lose. It works both ways.

Mr. REED. Mr. President, I am sure the Senator from Georgia meant to say that there was no Federal provision requiring participation by the railroads.

Different laws existed in different States, and generally the States required a 50-percent contribution from the railroads when a grade-crossing separation was to be made.

Mr. RUSSELL. No; the first bill, as I recall, that we passed, specifically providing for elimination of grade crossings, was either in 1933 or 1934, and it required a 50-percent participation by the railroads. The railroads were unable to participate at that time, and the funds were not expended until after the law was changed and we provided for the Federal Government bearing all the cost of the construction. That change occurred just after a very tragic accident which took place near Washington, when a school bus was struck by a train and some 15 or 20 school children were killed. The bill came before the Senate just following that terrible accident, and the law was changed to permit the Government to pay all the cost.

Mr. REED. If my understanding was in error I am glad to have it corrected.

Mr. BYRD. What is the present contribution made by the railroads in grade-crossing elimination?

Mr. HAYDEN. The present contribution by the railroads is very small. We have been eliminating grade crossings entirely at the expense of the United States. The cost, except for rights-of-way, has been borne by the United States.

Mr. BYRD. That is not true in my State. I think the railroads there have been bearing 50 percent of the cost of elimination of grade crossings.

Mr. HAYDEN. The State can require such a contribution.

Mr. BYRD. Does the proposal in the committee amendment make a change in the amount the railroads were previously paying?

Mr. HAYDEN. The situation as it has existed up to now is that the railroads were not paying anything. The provision contained in the committee amendment is that the railroads shall pay at least 15 percent of the cost of elimination of railway crossings.

Mr. McCLELLAN. Some State laws require railroads to make contribution.

Mr. HAYDEN. Yes; some State laws require them to make contribution, but if they do not make contribution nothing can be done.

Mr. BYRD. The State can compel the railroads to put up 50 percent of the cost of such grade-crossing elimination as the bill proposes.

Mr. HAYDEN. I do not say that the States cannot require such payment.

Mr. RUSSELL. This would not affect the State law. The provision merely requires that no Federal funds shall be expended on any such project unless the railway pays not less than 15 percent of the cost.

Mr. BYRD. Should not that particular point be made more clear?

Mr. HAYDEN. We have had no difficulty about it, so far as I know. The proposal in the amendment was simply to do two things: One that the Federal Government would not expend anything for rights-of-way, as it was proposed that the railroad or the State would have to

furnish the right-of-way, and the other that the railroad would have to contribute at least 15 percent to the cost of elimination of railway-grade crossings. It works both ways. The railroad undoubtedly gains an advantage in eliminating a grade crossing, because in proceeding through the towns its trains can go at greater speed. That is an asset to it. But in many instances it was shown to the committee that where the tracks are elevated and the railroad has been put to considerable expense, the total cost is added to the taxable value of the railroad property, and the city and the State proceed to tax the railroad for the improvement that was made. Also, if it is handled that way, it enters into the amount of the capital investment of the road for rate-making purposes. So it is not all a one-sided affair. The bill as it is represents the best compromise the committee could make, and it recommends it to the Senate.

Mr. BYRD. The Senator does not think the adoption of the provision would prevent a State from requiring a 50-percent contribution?

Mr. HAYDEN. No.

Mr. BURTON. Under the bill as first introduced it was provided that the Federal Government might pay up to 50 percent of the cost of rights-of-way and under the amendment it would pay nothing for rights-of-way.

Mr. HAYDEN. Yes.

Mr. BURTON. And under the terms of the bill as originally introduced the Government would pay 100 percent of the construction costs exclusive of rights-of-way, and under the amendment the Government would pay not more than 85 percent of such construction cost.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. LANGER. In view of what the distinguished Senator from Arizona [Mr. HAYDEN] said in response to the Senator from Virginia [Mr. BYRD] what is the objection to placing at the end of line 23 on page 7 the following language:

Provided further, That nothing herein shall prevent any State from requiring a railroad to contribute 50 percent?

Mr. HAYDEN. The difficulty, as was explained by the Senator from Kansas [Mr. REED] to the committee, is that when this 50-percent construction charge was imposed against the railroads generally throughout the States, the hazard to life was not eliminated, because the railroad companies argued that actually the benefit is more to the public than it is to the railroads. The railroads were there first. Then we have come along and built a highway system, and then people have bought millions of automobiles, and many of those who are killed ride in automobiles. I would not want to place anything in the bill which would impede the action we desire. I think the important thing is to remove the hazard to life at grade crossings. Getting money out of the railroads is not the important thing.

Mr. REED. Mr. President, I agree entirely with the Senator from Arizona. I

come from a State which has the fourth largest highway mileage in the United States, and which has a very large railroad mileage. Kansas had a law which required 50-percent participation by the railroads whenever a grade crossing was separated, and as a result we did not obtain any separation of grade crossings. We did eliminate a great many grade crossings, but we did it as we built new roads, and straightened out the angles and built the roads as far from the railroads as possible.

The question here is to get as much grade separation as we can. That benefits the railroads to some extent, but the benefit to the railroads is rather slight. It results mostly in reduction of personal damage cases arising from highway-crossing accidents. The principal benefit accrues to the public safety. The question arises, How much grade separation do we want, and how much can we obtain? I may say, as the Senator from Arizona is well aware, that 15 percent was selected by the committee as the highest percentage of participation that we could hope to obtain from the railroads and still have grade-crossing separations.

Mr. HAYDEN. I understood the Senator from Kansas to say before the committee that the State of Kansas repealed the law which required a 50-percent contribution on the part of the railroads.

Mr. REED. At least that provision of law is a dead letter. I would not say that the State law has been repealed. I was Governor of Kansas when the present State-highway program was inaugurated, and we worked earnestly to bring about grade separation, but so long as 50-percent participation was required on the part of the railroads—and in most cases the railroads could show us that they had a very slight interest in the matter—no separation resulted. The Senator will remember that we set 15 percent as the highest figure at which we could get participation and still obtain grade separation. I am more interested in grade separation than almost anything else.

Mr. LANGER. That is all interesting, but what about underpasses in towns and cities, for which the State government is asked to pay or for which the local governments are asked to pay?

Mr. REED. They fall in the same category.

Mr. LANGER. They fall in the same category, and millions of dollars are taken from State and local governments to pay for such underpasses. Why should not the States have the right to say, "We are going to ask the railroads to contribute?" The Senator from Arizona said a moment ago that the States can call on the railroads to contribute. Why not include such a provision in the proposed law.

Mr. HAYDEN. I do not want to encourage the States to stick the railroads, because I think it is more important to quit killing people than it is to get money out of the railroads. Perhaps it is not, but that is my judgment. There has been great butchery, the killing of men, women, and children on highways. In the last 20 years 500,000 people have been killed on our highways. We were killing

more of our citizens on our roads every day, up to the present great offensive in France, than were killed in our armed forces all over the world. But we did not seem to think of the great loss of life on the highways. Life is just as sweet to a man or to a woman or to a child who is killed on the highway as it is to a man fighting on the battle front. Yet we seem to think nothing of it. This butchery which has gone on should be stopped, and the way to stop it is to get together and do a good job of railroad-crossing elimination, rather than to say "We will never do it unless we can stick the railroads and make them pay for it" when they will not pay for it.

Mr. LANGER. Mr. President, the language I propose does not stick the railroads. I am just as interested as is the distinguished Senator from Arizona in saving human life, but in response to a question asked him by the Senator from Virginia, the Senator from Arizona stated that a State could require contribution on the part of the railroads.

Mr. HAYDEN. It can.

Mr. LANGER. Then, why not make provision therefor in the pending legislation?

Mr. HAYDEN. It is not necessary to give the State permission in this measure. We have had no trouble about it heretofore. I do not wish to encumber the bill any more than necessary. In my judgment, such a provision is wholly unnecessary. We could not give the State authority which it does not already have in this respect.

The next amendment, Senators will notice, on pages 7, 8, and 9, is of considerable length. It relates to the inability of States to match Federal aid under certain conditions. It was sponsored by the junior Senator from Arkansas [Mr. McCLELLAN], who will undoubtedly be glad to explain it when it comes up for consideration.

Mr. REED. Mr. President, I am sure the Senator from Arizona will be interested in knowing that the Senator from Michigan [Mr. FERGUSON] and I also desire to utter a few words with respect to the amendment.

Mr. HAYDEN. I have no doubt that the matter will be subject for discussion.

In section 11, on page 12, there was a question with respect to flight strips, and at the suggestion of the chairman of the committee, the Senator from Tennessee [Mr. McKELLAR], we provided that no flight strip should be developed until after approval of the location by the Civil Aeronautics Authority, so as to have proper coordination in such cases.

Then, at the very last of the bill, in section 12, there is a provision which everyone agrees is highly desirable for uniformity in highway-marking signs throughout the United States.

The junior Senator from Massachusetts [Mr. WEEKS], being a careful legislator, thought that we had gone too far, and so an amendment was inserted to provide that on highways and streets hereafter constructed under the Federal-aid system the form and character of informational, regulatory, and warning signs, curb and pavement or other markings, and traffic signals shall be subject

to a standard code approved by the State highway department and the Commissioner of Public Roads.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. BYRD. I have received several letters with reference to a 100-foot right-of-way. Is there any such provision in the bill?

Mr. HAYDEN. The acquisition of rights-of-way is a matter for the State highway department. I think what the Senator has in mind is that in some places the State highway department is trying to obtain additional right-of-way. Under existing law, the State acquires the right-of-way. We have eliminated from the bill the provision for Federal participation in payment for rights-of-way.

Mr. BYRD. As I understand, there is no requirement for it?

Mr. HAYDEN. No; there is no requirement for it.

Mr. President, I believe that covers the principal items in the bill.

Mr. ANDREWS. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. ANDREWS. Am I to understand that the State highway commissions in the various States will still provide the rights-of-way?

Mr. HAYDEN. Oh, yes.

Mr. ANDREWS. Of whatever width they may deem proper?

Mr. HAYDEN. They will have to obtain whatever they think is needed. That is a matter which the Congress does not dictate. There is no requirement that there must be a 50-foot, 60-foot, 100-foot, or 200-foot right-of-way.

Mr. ANDREWS. Rights-of-way as wide as 200 or 300 feet have been mentioned. Suppose the National Association of Road Commissioners should lay down a rule that the right-of-way should be 200 feet wide?

Mr. HAYDEN. With respect to rights-of-way, the only interest of the Public Roads Administration is in having some control along each side where so-called free-ways are being built. Such roads are built with the object of permitting greater speed between cities. Unlimited access to such roads cannot be permitted. There must be limited access. In order that there may be limited access, the sides of the road for some distance must be controlled. Aside from the question of limited access to so-called free-ways, I have heard no discussion with respect to the width of rights-of-way.

Mr. ANDREWS. For example, if a 200-foot right-of-way were prescribed through my State for national-aid roads, I do not know how many millions of dollars it would cost, because the orange groves were there before the roads were built, and many millions of dollars' worth of property would be destroyed, even by a 100-foot right-of-way.

Mr. HAYDEN. I can conceive of no substantial reason for anything of the kind, unless a road were being widened. For example, it might be desired to make a four-lane highway out of a two-lane

highway, and it might be necessary to cut down some orange trees.

Mr. ANDREWS. Would that be in the discretion of the State highway commission?

Mr. HAYDEN. Certainly. They initiate all such projects under the Highway Act.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. LANGER. I notice that the junior Senator from South Dakota [Mr. BUSHFIELD] is not at the moment present in the Chamber. I wonder whether the Senator in charge of the bill would have any objection to letting the amendment of the junior Senator from South Dakota go to conference.

Mr. HAYDEN. It cannot be considered at the moment, under the unanimous-consent agreement that we first consider the committee amendments. We must first dispose of them. Then the Senator will have an opportunity to offer the amendment. As a matter of principle, I hesitate to say that we should not have some control over the manner in which Federal funds are to be expended.

Mr. LANGER. After all, the States are putting up half of the money, under the 50-50 rule. So far as secondary roads are concerned, would it not be possible to adopt an amendment under which the Federal Government would have no control, and let the amendment go to conference?

Mr. HAYDEN. It is a question of principle. Shall the Congress appropriate money for an undertaking, and have nothing to say about the type of undertaking? As the Senator knows, the bill provides for cooperation between the county and State governments and the Federal Government. They must get together.

I should like to point out another feature in connection with the secondary-road proposal. Heretofore we have appropriated comparatively little for such roads. In 1937 or 1938 we started with \$25,000,000. We have spent only a little more than \$150,000,000 in the years since. That is only a little dab of money. We are now proposing to spend a substantial sum of money in each State; and it is only common sense to expect, when we provide in the bill that the county commissioners, the State highway commissioners, and the Bureau of Public Roads shall cooperate, that they will find some method of agreement, and will cooperate, as provided in the bill. Heretofore we have had only a little money for secondary roads, which did not begin or end anywhere in particular. We said, "We will use the standard specifications." This is a different picture, because we are approaching the problem from a different angle. I believe that the various agencies will cooperate.

Mr. LANGER. The State highway commissioners are very familiar with their State. They may spend the money in the eastern part of the State, whereas in the western part of the State there may be a road 3 miles long which the farmers could use, except for one short stretch. I certainly dislike to see a

standard set-up which would require the whole 3 miles to be graded and constructed according to certain specifications, when perhaps there is only one hole in the 3-mile stretch which needs to be repaired, so that farmers could use the road to get their grain to market.

Mr. HAYDEN. It is simply a question of give and take, and common sense. If the various agencies cooperate, I believe that the problem can be solved.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. HAYDEN. Certainly.

Mr. FERGUSON. As I understand, the first amendment involves the question of including the costs of rights-of-way in the amount of money to be appropriated by the Federal Government.

I appreciate the argument made by some, that if the Federal Government is required to pay a part of the costs of rights-of-way, juries in condemnation proceedings will be found awarding larger prices because the Federal Government is appropriating the money. I realize also that there is a feeling that so long as the Federal Government is paying the money, the individual does not have to pay it. He feels that it is a Federal tax, and he does not feel that he is paying it directly.

However, I believe that we, as Members of the Senate, should understand that so far as the bill relates to the appropriation for urban areas, to the extent of \$125,000,000 a year, this plan will not work. In other words, the cost of condemning land for widening a highway is so great in relation to the cost of construction of the highway itself, that instead of the State paying one-half the cost, as suggested by the Senator from Virginia [Mr. BYRD], we shall find that the State will be paying 80 percent of the cost, and the Federal Government 20 percent of the actual cost of the highway, because the cost of condemning the land for widening the highway, aside from the actual cost of laying the highway, will be so great that the States will not be able to use effectively the \$125,000,000 a year.

As I understand, it is proposed to appropriate this money now because it is essential for the future of our country that roads be widened, not only in the rural sections, but also in the urban sections. If we are doing it for that reason, then, at least in the urban centers, we should pay one-half the cost of the condemnation of land, as well as one-half the cost of construction of the roads.

I believe that in the past too little attention has been paid to the urban centers on Federal-aid highways. At first it was proposed to appropriate \$650,000,000 a year for Federal aid in the construction of highways. We must not forget that the people of this country were paying directly, in gasoline taxes and other taxes in connection with the operation of automobiles, \$650,000,000 a year. In 15 States there are constitutional provisions prohibiting the States from diverting to any other purpose than the building of roads any of the funds raised by taxation of automobile operators. We in the Senate propose that

the Federal Government raise \$650,000,000 a year from the automobile owners of this country. I think that is too much.

I have felt that the use tax, for instance, is one which should not have been placed. There are farmers, workingmen, and other persons in the country who own automobiles which are worth not much in excess of \$25 or \$30, but they are compelled to pay \$5 a year for the privilege of using those cars. They pay just as much as is paid by a man who owns a high-priced car. But let us say that may be justified because there is an emergency at the present time.

If we are going to use \$125,000,000 a year for roads in urban areas—and I know we are appropriating it for that exact purpose—we should not provide that it cannot be used by the States in their urban districts. We should think twice before we vote to eliminate the provision for the Federal Government to share in the cost of acquiring rights-of-way for highways, because, after all, one of the defects in the entire highway system is that we have not paid enough attention to limited access roads and to the widening of roads, so as to be able to care for the traffic in the years to come.

So, Mr. President, the Senate should reject the committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 2, line 4.

Mr. RUSSELL. Mr. President, I wish to say a few words on the amendment. I think it would be a very unwise precedent for the Government to set, if we were now to change our policies with respect to highway construction, by contributing and appropriating Federal funds for the acquisition of rights-of-way. It would set a precedent which would necessarily have to apply in a number of other cases, and would result in unnecessary outlays from the Federal Treasury.

We have been consistent in one thing in all of our highway and State aid legislation, in that from the very beginning we have required either the city, the county, or the State to provide the rights-of-way or the land which was to be used for any construction purpose. We have done that in connection with our highway system. Even in the very depths of the depression, when we were appropriating huge sums of money for public-works programs, all the bills carried provisions that the rights-of-way had to be provided by the counties or other political subdivisions benefiting from the appropriations.

In connection with the construction of airfields throughout the country we have adhered strictly to the policy that the local government—the city or the county government—is required to provide the lands in connection with which the funds for such fields are to be expended. It would be very dangerous to depart from that principle at this time.

The cities have had no such requirement, because heretofore the cities have not benefited directly from any appropriation for public roads or streets. For the first time we are now asked to appropriate \$125,000,000 to be expended for the benefit of the cities, within the cities, on the city streets. Mr. President, I think

the cities should be willing to provide the rights-of-way, just as the counties have done in the past, just as the counties have done in connection with airfields, and just as the cities have been required to do before, in connection with the expenditure of public funds for State and county highways through the cities.

There are very sound reasons for that policy. The argument is made that the cities receive tremendous benefit from the expenditure of funds obtained from the taxes on gasoline. We all know that in the past 15 or 20 years when we have had these huge Federal-aid road programs when we have constructed the magnificent highway system in this country we have practically dried up all the smaller communities, those with a population of 2,000 or less, so far as conducting any business is concerned. In my State there are any number of small towns which heretofore have had populations of 800, 1,000, or 1,500, but which today are practically deserted villages, because we have constructed the highway systems, and the people prefer to trade in the larger cities. The cities have derived more benefit from the construction of the highway systems than any part of the rural population has derived.

There is another very substantial reason why we should not deviate from the policy we have always followed with respect to requiring the sponsor of the project to acquire the lands on which it is to be constructed. That is the difference in cost. There will be a tremendous difference in the cost of the lands if we require that the Federal Government pay for the rights-of-way. We all know that if a city is acquiring property for a park or for any other civic project, it makes an appeal to the owners of the land. As a contribution to the welfare of the city, it requests that they ask only a very modest sum for the land. People who have that pressure brought upon them usually contribute their lands through a sense of civic pride, and sell them much more cheaply under such circumstances. In cases in which a local government is acquiring land, the land is sold much more cheaply than it is in the cases in which it is acquired by the Federal Government. In my judgment, if this provision is left in the bill, more than half of the \$125,000,000 will be used for the purchase of lands.

I submit that the Federal Government should not contribute to the purchase of lands, when, in addition, it is appropriating funds to defray the cost of construction of the city streets—something we have never done in the past. The policy was adopted after careful study, and it should not be disturbed at this date.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 2, line 4.

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The next amendment was, on page 2, line 5, after the word "crossings", to insert a comma and the words "but does not include costs of rights-of-way."

The amendment was agreed to.

The next amendment was, on page 2, line 22, to strike out "\$1,950,000,000" and insert "\$1,350,000,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. WHERRY. Mr. President, I should like to ask a question of the distinguished senior Senator from Arizona [Mr. HAYDEN]. I wonder if he gave any consideration to the question of decreasing the amount of the appropriation of \$1,950,000,000 so that all States of the Union could match these amounts on the 50-50 basis now proposed in the committee print. I wish it to be clearly understood on the floor of the Senate that I am in favor of highways and that I wish to have the Government do everything it can do to obtain, in Nebraska, as well as all other States the kind of highway system which is recommended as well as one the Nation can afford. There is also the question whether some States can even match their share of the \$450,000,000. It becomes a problem. What provisions will the States have to make, to provide their portion of this huge sum?

I do not desire to offer at this time an amendment proposing to decrease the amount; but I will ask the Senator again if the committee gave consideration to the amendment of the distinguished junior Senator from Virginia [Mr. BYRD], which the distinguished Senator from Arizona told me about on the floor of the Senate last Tuesday. It provided for a return to the old formula and for the appropriation of approximately the amount we have appropriated in the years gone by.

Mr. HAYDEN. This amendment amounts to that.

Mr. WHERRY. I wish to call the Senator's attention to the fact that the proposed new basis of 60-40 presented a considerable problem to the State of Nebraska. Now, on the old 50-50 basis, it will be exceedingly difficult for our State to match so large an amount as its share will be under the proposed budget.

Mr. HAYDEN. Under the allotment, Nebraska has to match \$7,404,000 today. I dare say the income of the State of Nebraska received from its gasoline taxes is nearly twice as much as that. Is that correct?

Mr. WHERRY. I have the figures for the total receipts from the gasoline tax in 1941, which was the peak year. We do not have available the best figures to use in order to arrive at the answer in the years to come.

Mr. HAYDEN. Of course, we know that with gasoline rationing and tire rationing those tax receipts have fallen off.

Mr. WHERRY. That is correct.

Mr. HAYDEN. But these bills have to be paid after the war. When the war is over, and when there no longer is tire rationing and gasoline rationing, the gasoline-tax income is bound to increase.

Let me inquire what the gasoline tax revenue of the State of Nebraska has been.

Mr. WHERRY. In 1941, which was our banner year of the receipts of all years, we received \$12,396,000.

Mr. HAYDEN. Out of that \$12,000,000, does not the Senator believe his State could match \$7,000,000?

Mr. WHERRY. For the information of the distinguished senior Senator from Arizona, that is why I asked whether the committee considered a lower figure. I do not want Nebraska to have to raise its tax on gasoline—which is now 5 cents a gallon—in order to be able to match the appropriation.

Mr. REED. Mr. President, will the Senator yield?

Mr. WHERRY. I will yield to the distinguished Senator from Kansas, and will later answer the question of the Senator from Arizona.

Mr. REED. I inquire of the distinguished Senator from Nebraska if the State of Nebraska did not divert \$2,455,000 in 1941 from taxes on high way users in order to pay old-age pensions, or something of that nature. I do not wish to be misunderstood. What the State of Nebraska does with its money is its own business, but I do not think that it is very consistent to raise a question concerning the size of an appropriation for highway purposes, and the inability of a State to match, when that State diverts a part of the highway users' tax for other purposes.

Mr. WHERRY. Mr. President, I thank the able Senator from Kansas for his remarks. We have personally discussed the subject, and I believe we decided that possibly there was involved a question of diversion. The State of Nebraska did divert money out of its gasoline tax fund in order to pay expenses not connected with roads. But regardless of that, we still have the problem of matching the proposed appropriation. No one knows in what financial condition the States will be in 1945. In our State we have a constitutional provision which I think is a good one, that the credit of the State cannot be pledged without a vote of the people. We have no sales tax. We have no State income tax, and we are proud of the fact that we do not have such a tax. We like good roads in Nebraska, and we want to pay for them. We believe that the users of automobiles should help pay for them but should not be required to pay more than 5 cents a gallon for gasoline.

Mr. HAYDEN. I suggest that the State of Nebraska adopt a provision which has been adopted by approximately 15 other States, insuring that receipts from the tax on the sale of gasoline shall be applied to roads.

Mr. WHERRY. Whether we should do that or not is beside the question. We are confronted with the fact that if the pending bill is passed, in 1945 we shall lack nearly a half a million dollars of being able to match under our present tax program. The second year we would lack more than \$3,000,000, and the third year we would lack nearly \$6,000,000. Those figures are on the basis of estimated receipts and testimony submitted by Mr. McDonald in hearings before the House committee.

As I have already said, I do not desire to provoke a great deal of debate or controversy with regard to the amount which has been arrived at by the committee. I

am at a loss to know why the committee reduced the amount from \$650,000,000 to \$450,000,000 annually. But so long as that has been done, would it not be possible further to reduce the amount by another \$150,000,000 annually, and prorate it accordingly? Then the States could match, and it would not be necessary to make provision for the Federal Government to help any State make up the difference it was unable to pay.

Mr. HAYDEN. In the great majority of States, even with diversion, they can match the amounts provided in the bill. So far as I am concerned, I am sorry that the amount was reduced from \$650,000,000 to the present figure. I believe that we have a job to perform in improving the highways of the Nation. However, I follow what the committee did, and I stand on its recommendation. I would certainly object to further reduction of the amount.

Mr. WHERRY. Inasmuch as the Senator from Arizona has made the statement that he was sorry that the committee reduced the sum of \$450,000,000, I am convinced that probably no figure less than \$450,000,000 was considered. Am I correct?

Mr. HAYDEN. Oh, yes; the committee had under consideration a lesser amount, which was suggested by the Senator from Georgia [Mr. RUSSELL].

Mr. WHERRY. Is there any particular reason why the committee arrived at \$450,000,000? If an amendment were to be offered reducing the amount to \$300,000,000, would it so affect the distribution of funds as to be mechanically unworkable?

Mr. HAYDEN. The ratio of distribution is exactly the same whether \$50,000,000 be appropriated or \$10,000,000. The State highway departments, through their engineers, looked into the problem and told us that there was a tremendous amount of work to be done, and that the only way to get it done was to establish a highway program.

So far as the diversionary problem in Nebraska is concerned, allow me to make this suggestion: If the Nebraska State Legislature next year would favorably act upon a proposal that, by proper matching, they could give to their highways the benefit of a program which would amount to twice \$750,000,000, or approximately \$1,500,000,000, I believe the State would stop diverting and could match.

Mr. WHERRY. Mr. President, I thank the Senator for his statement.

I wish to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHERRY. In order that an amendment may be offered, must it be offered now or should it be offered later to the bill?

The PRESIDING OFFICER. If the Senator has an amendment to the committee amendment, which he desires to offer, it should be offered before the committee amendment has been acted upon.

Mr. WHERRY. Mr. President, I have an amendment which I desire to offer. On page 2, line 22, after the words "sum of", I move to strike out "\$1,350,000,000"

and insert "\$900,000,000"; and on the same page, at the beginning of line 24, I move to strike out "\$450,000,000" and insert "\$300,000,000."

The PRESIDING OFFICER. The clerk will state the first amendment offered by the Senator from Nebraska.

The CHIEF CLERK. On page 2, line 22, after the words "the sum of", it is proposed to strike out, in the committee amendment, "\$1,350,000,000" and insert "\$900,000,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska to the committee amendment.

Mr. AIKEN. Mr. President, I should like to ask the Senator from Arizona how much money the Federal Government has appropriated for highways during the past 4 years.

Mr. HAYDEN. During the past 4 years the Government has spent practically nothing on highways.

Mr. AIKEN. Has the appropriation been as much as \$180,000,000 a year? I am going back to the period when we started to reduce our road program in getting ready for the war.

Mr. HAYDEN. We appropriated practically nothing for secondary roads. Under the act of 1934 we appropriated \$400,000,000 for Federal aid to the States, which is the largest sum of money for the purpose that was ever appropriated at any one time.

Mr. AIKEN. Was that in 1934?

Mr. HAYDEN. It was in 1933. The amount was included in the \$3,300,000,000 Federal-aid unemployment program. In that measure \$400,000,000 was earmarked by Congress at one time for Federal aid to highways. It was the largest sum ever appropriated at any one time for Federal aid only.

In the pending bill there are two new elements. There is the element of secondary roads in addition to the element of Federal aid in connection with urban highways. What makes the total proposed to be expended under this bill look so large is that we are proposing to help the cities. At one time in 1933 we apportioned to the States \$400,000,000. Considering that fact, the bill would not seem to be out of line at all.

Mr. AIKEN. In 1940 and 1941 we appropriated how much?

Mr. HAYDEN. Normally we ran along with Federal aid of approximately \$125,000,000 a year.

Mr. AIKEN. What I should like to know is how much we are behind in a normal highway program by reason of the suspension of our expenditures over a 3 or 4 year period.

Mr. HAYDEN. I understand what the Senator means.

Mr. AIKEN. How much have we got to make up to bring us back to where we were in 1940 or 1941? Of course, we should make some allowance for the expansion of our national economy, unless we are willing to admit that we stopped our national growth in 1940.

Mr. HAYDEN. The last appropriation we made was for 1942-43 of \$100,000,000 a year for Federal aid only.

Mr. AIKEN. Was that all spent?

Mr. HAYDEN. No; it has not all been spent because we could not get the priorities, the manpower, the labor, and so forth. Some of that money remains in practically every one of the States.

Mr. AIKEN. If we should appropriate \$600,000,000 for Federal aid during the next 3 years, that would not quite catch up, would it, to what we have fallen behind, plus the appropriations which would normally be made for the next 3 years had there been no war?

Mr. HAYDEN. That is true. We are very much behind in Federal aid because nothing has been done about it since 1940, and we have gone 4 years during the war period without additional authorizations.

Mr. AIKEN. Actually, then, the proposal of the committee is not an extravagant program, but is simply designed to catch up in what we have fallen behind and to make allowance for the normal program which would ordinarily have proceeded if there had been no war.

Mr. HAYDEN. That is correct.

Mr. REED. Mr. President, will the Senator from Arizona yield?

Mr. HAYDEN. I yield.

Mr. REED. I hold in my hand a letter from the Public Roads Administration which says that for access roads—and I am sure the Senator from Arizona is familiar with them—the amount of \$150,000,000 in 1941 was increased to \$260,000,000 in 1942 and to \$290,000,000 by the end of April 1944. That money was all spent on access roads leading to plants or to the places where strategic materials were located. There has been virtually nothing spent—virtually, I do not say literally, but virtually nothing spent—on the Federal highway system for 3 years.

The committee that drafted this bill and submitted it to the Senate started a year ago last spring to confer with the State highway officials, whose unanimous recommendation to us was that to catch up with the deferred construction and deferred maintenance—for our highway system has definitely deteriorated in the last 3 years—we should appropriate a billion dollars a year for 3 years. The first bill written cut that to \$500,000,000 annually, because the States could not match a billion dollars a year; and there was no use making the effort.

I did not happen to be in the city at the time this bill was first considered, but I am familiar with its philosophy. \$650,000,000 was originally selected because the Government of the United States has collected from highway users during the last 3 years an average of about \$650,000,000. In my State, and in 14 other States, there is a constitutional restriction under which money collected from highway users must be used for no other purpose than highways. There is no reason in the world why the Federal Government should be allowed to go into Kansas and collect money from the highway users and divert that money to a use which the State of Kansas does not permit on the part of its own citizens or its own government. That is where the \$650,000,000 came from. The Government of the United States has for

the last 3 years collected about \$2,000,000,000—that is only an estimate, but it is in the neighborhood of being correct—and in the last 3 years has returned to the highway systems of the country less than \$300,000,000.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. REED. In a moment I shall be glad to yield to the Senator from New Hampshire.

There is much misapprehension and some unreasonable criticism about the bill.

Now I may say to the Senator from Nebraska that I hope he did not mean to intimate that I have taken advantage of personal conversation. I hold in my hand a document which I have used all through this controversy, which shows that the State of Nebraska diverted from its highway users' tax money \$2,455,000 for other purposes. That is its own business.

I may say further to the Senator from Nebraska it is hardly reasonable for a State that diverts money out of its highway users' fund for highway purposes to other purposes to come here and ask to have lowered an appropriation authorization which other States can and want to match because his own State diverts the money and cannot match what is proposed to be appropriated by this bill. His State does not have to match it; there is no damage done. This is a permissive authority in Nebraska to build roads to the extent that the State can match the funds authorized under the bill.

Mr. WHERRY. Madam President, will the Senator yield?

The PRESIDING OFFICER (Mrs. CARAWAY in the chair). Does the Senator from Kansas yield to the Senator from Nebraska?

Mr. REED. In a moment I shall be very happy to yield. Let me say frankly we have 3 years of deferred maintenance and 3 years of deferred construction, with no construction except on strategic highways and strategic networks and Government access roads. The highway system of the country is the most important thing there is. It is inadequate to carry the present traffic and will be much more inadequate to carry the traffic that is bound to travel the highways after the war.

The farmers have criticized me because I have been voting billions of dollars a year, but I have found no substantial sentiment expressed in the country in opposition to the bill as was first proposed. If the Senator from Nebraska wants to know, I am a member of the committee that made the suggestion that the amount be reduced from \$650,000,000 to a smaller sum; and, if the Senator from Nebraska wants to know, I am trying to get this bill through the Senate and to meet the objections as can best be done without destroying the useful purposes of the bill. We reduced the amount to \$450,000,000, which was as low as those who wanted more money were willing to go. I was willing to go that far. That is where the \$450,000,000 comes in. I now yield first to the Senator from New Hampshire, although I do not think I have the floor.

Mr. HAYDEN. Yes; the Senator has the floor.

Mr. BRIDGES. Madam President, I should like to make two comments. First, I agree with what the Senator from Kansas has had to say about the Federal Government collecting funds, we will say, from highway users and diverting the money for other purposes. I agree with him that in the field of automobile taxes, so far as gasoline and other taxes are concerned, they should be limited to State use; but if I may tell the distinguished Senator so, the way to correct that is to change the tax laws fundamentally and not attempt to appropriate more money to catch up with the lag.

Secondly, in relation to the question raised by the distinguished Senator from Vermont [Mr. AIKEN], who took the position that we had been failing to appropriate money to catch up with our highway program, I should like to ask the distinguished Senator from Arizona whether or not there is a considerable sum already appropriated and frozen which will account for a part of the catching up process which the Senator from Vermont mentions.

Mr. HAYDEN. No; sums of money were appropriated, as the Senator from Vermont and the Senator from Kansas have said. Of the appropriations made during the war period for access roads, so as to reach camps and raw materials and things of that kind, there are no great balances left.

Mr. BRIDGES. How much of the road money is frozen?

Mr. BYRD. As of July 1st last, the amount was \$144,334,000.

Mr. BRIDGES. I suppose \$144,000,000 is a small sum to the Senator from Arizona.

Mr. HAYDEN. When we need a billion dollars' worth of work it is by comparison a very small sum.

Mr. BRIDGES. The Senator from Arizona is a big spender. He would spend every cent he could get his hands on. One hundred and forty-four million dollars perhaps to a New Englander looks like a big sum, and it may look so to the Senator from Arizona before he is through.

Mr. AIKEN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Kansas yield, and if so to whom?

Mr. REED. I yield to the Senator from Nebraska, if I have not lost the floor.

Mr. WHERRY. Madam President, I wish to say that I find myself in almost complete accord with the remarks of the junior Senator from Kansas relative to the need for building roads. If there is one State which wants roads, it is my own State. But that is entirely beside the question as to why I offered the amendment. I want Nebraska to be able to take advantage of matching dollars with Federal-aid money so that every dollar of Federal tax the people of Nebraska pay they can match and get the Federal funds; and they cannot do it under the pending bill. I do not want Federal taxes taken out of Nebraska if Nebraska cannot match and thus get some of the money back.

Mr. REED. Does the Senator from Nebraska expect that every State should measure its capacity to match Federal funds by the limited capacity of the one State of Nebraska?

Mr. WHERRY. If the Senator will yield further, I do not know what the other States wish to do, but representing in part Nebraska, I want to get as much money back to Nebraska as I possibly can. I want to match the appropriations so that we can get the best highway system in Nebraska we possibly can get.

Mr. REED. Then let Nebraska stop diverting her highway taxes for the payment of old-age pensions.

Mr. WHERRY. Each and every State has a right to do what it pleases with the money it collects. If the States want to divert the tax money to other purposes besides work on roads, they have a right to do it, and they are the heaviest contributors to the Federal taxes.

Madam President, have I the floor?

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. BUSHFIELD. Madam President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. BUSHFIELD. During this most interesting discussion about big spending, I have been wondering whether some of us have not forgotten that we are spending about a hundred billion dollars a year to carry on this war, and if we are to adopt the policy of now appropriating sufficient money to replace all the hundreds of things we have had to do without during the war, it seems to me we are headed toward disaster. Because we have not kept up the highway appropriations for the last 2 or 3 years is no reason why we should now appropriate three times the usual amount we have been appropriating heretofore. I think the Senate should give serious consideration to the fact that this is no time to start out on a big spending program merely to make up what we have been missing for the last 3 years.

Mr. WHERRY. Madam President, I should like to say, further, relative to the work that is being done by the junior Senator from Kansas, that I highly appreciate it, and I want him to know—and I wish to say it in the presence of every Member of the Senate—that there is no one for whom I have a higher regard than the Senator from Kansas. I know that his State collects a great deal of revenue, and Kansas can do many things, and we are very proud that it can. In Nebraska we have a little different philosophy about spending our money. We possibly do not have the sources from which to collect taxes other States have. The \$300,000,000 is based on what we can collect in 1945, and if it is all problematical what we can raise. We do not know what we can raise in 1945. In connection with the pending bill, we have to assume that Nebraska will get \$10,000,000, and no one knows whether they will get \$10,000,000 or not. For that reason I should like to recall to the Members of the Senate the remark made by the distinguished Senator from Georgia, that if \$300,000,000 is not enough after the first year, we can come to the Senate

and raise the appropriation at any time we want to.

Mr. HAYDEN. The Senator must realize that the Legislature of the State of Nebraska will meet in January, and it has to be in a position to know what it can do. We cannot come in at any time we desire and raise money.

Mr. WHERRY. Nebraska would be glad to have the appropriation, I am sure, on a basis on which it could match it.

Mr. BRIDGES. Madam President, will the Senator from Nebraska yield?

Mr. WHERRY. I yield.

Mr. BRIDGES. The distinguished Senator from Arizona says we cannot come in at any time we desire to and raise money. I hope that time will come, but in the 8 years I have been in the Senate I have not seen it come.

Mr. WHERRY. I should like to conclude my remarks in behalf of the amendment by stating that I certainly do not want to be in a position, as I hope the distinguished Senator from Arizona will understand, of resisting. I did not intend to resist. I want to do the best I can for my State. I should like to match the Federal dollars along with all the other States; but in Nebraska we do not have the population and do not have the revenue, and for that reason I believe that if we double the appropriation—\$300,000,000 is double what we spend in the average year on the highway system—that would be sufficient, and if more is needed, if the question of unemployment arises, I shall be willing to do everything I can to assist. I do not say we do not need it. So far as the Federal system is concerned, it does need more money, and I would be the first to vote to give it more money. I think investment in roads is probably the soundest investment we can make, and I want good roads in Nebraska. I do not wish to be placed in the position of resisting, or as against the program, but it is the matching of dollars which makes me apprehensive of voting for more than I think my State can match. I should like to see the amendment agreed to on the basis on which it is offered.

Mr. AIKEN. Madam President, we have learned that the Federal Government has somewhat over \$100,000,000 frozen in highway funds.

Mr. BRIDGES. I thought it was \$144,000,000.

Mr. AIKEN. It is between a hundred and a hundred and fifty million. I assume that is not a great deal more than would ordinarily be found in the Federal Treasury allocated for highway purposes at this time of year. But I think that if the Senator from Arizona can give us the information, it is quite important that we know how much the 48 States have frozen in their highway funds at the present time—money ready immediately to be used in matching Federal funds.

Mr. HAYDEN. Unfortunately, I do not have the statistics from the States. All I can say to the Senator in that regard is that the bill originated in the Association of State Highway Officials. They held a hearing before the Senate Committee on Post Offices and Post Roads, and representatives appeared from the States and urged that the highway sys-

tems were being shot to pieces, and that we had to do something about the post-war program. The proposal for the legislation comes from these State highway departments, who say they can match. The committee in the House held hearings for several months. Every State in the Union put in its testimony about its ability to cooperate on a program of this kind. Their recommendation was a billion dollars a year. The House cut it to \$500,000,000.

I have not the slightest doubt in the world about the ability of the States to match the funds, especially in view of the reduction which has been made. I was satisfied they would match and could match the \$650,000,000.

The trouble has been with respect to the diversion of the funds, due largely to the fact that money was lying around for which there was no use. In one State I understood the governor, who had control of the budget, paid a bonus of \$200 to each school teacher in the State out of the highway fund, or out of the gas tax. But when we pass a bill which really provides a sound program, the States are going to match the funds.

So far as the State of Nebraska is concerned, I do not think the Senator from that State has any cause for worry whatsoever. The income of his State normally has been \$12,000,000 from the gasoline tax, and I think the Senator need not worry about his State matching whatever the Congress may provide.

Mr. AIKEN. I understand that even the smaller States have several million dollars earmarked for matching purposes which they have been unable to spend in the last few years, and the total for the entire United States must be a tremendous sum. It seems to me that if the Federal Government does not appropriate a sufficient amount to put the roads of the different States in good condition, and to construct the new highways which are normally required, the States will find themselves in the position of themselves having to spend the money which they have earmarked for building roads, and will get only half as much out of it as they would if the funds were matched by Federal funds.

Mr. SHIPSTEAD. Madam President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. SHIPSTEAD. It is not necessary for me to point out to the Senator that for the past 3 or 4 years there has been very little road work done in the United States, which makes it necessary to have so much more appropriated now to catch up with what has been worn out, and to rebuild and reconstruct. We are facing a more than ordinary year, or 2 or 3 or 4 years, and the money is needed. It seems to me that when we are voting money to build roads all over the world, including the Balkan countries, we should not neglect our own roads in this country.

Mr. AIKEN. I agree absolutely with what the Senator from Minnesota has said. I know that the States have fallen behind very greatly in their construction of main roads. They have kept up the farm-to-market roads as best they could, but after the war a tremendous demand

will be placed upon them. Many roads are in such condition they cannot be used for heavy traffic. In many cases access roads have been built into timber lots and many other places, roads which after the war will not be of great public benefit except to the owner of the particular property.

Mr. SHIPSTEAD. Madam President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. SHIPSTEAD. Let me remind the Senator that we spent \$150,000,000 on one road in Canada, and the road is not yet finished. Then we quibble about a few dollars to be spent on roads in the United States. I can take Senators to places in some of the agricultural sections of the United States where roads are, in many places, almost impassable. I know, for I have tried to use them.

Mr. McKELLAR. Madam President, will the Senator allow me to make a little explanation of what was done in committee?

Mr. AIKEN. I should like to have an explanation.

Mr. McKELLAR. I shall take only a moment. After the criticisms which were aimed at various parts of the bill, especially the amount of money it provided, the committee had an unusually well attended meeting. I think there were 12 or 15 members of the committee present. I do not think I ever saw a committee try harder to adjust the matter and to consider every argument that was made respecting the amount. There were several members who thought the amount carried by the bill was too large. At one time it looked as if the committee were going to agree to \$500,000,000, as suggested by the distinguished Senator from Kansas. Later on, after considering the problem in every possible way, we agreed on \$450,000,000.

We cannot frame a bill which is exactly what each Senator wants. We have to give and take, especially in a case of this kind. After the matter has been considered in the Senate for a day or two, and after the committee has considered it and gone over it in a painstaking way, and reached an adjustment and compromise which cut the amount down \$200,000,000, or nearly one-third, about 30 percent, it seems to me it would be best to accept the committee's action. I earnestly hope the Senate will not disagree concerning this matter, but will allow the amount to remain as it is.

Madam President, I have had quite a long experience in the matter of roads. Practically all my legislative life in the Senate has been spent on the committee which deals with the question of roads, the Committee on Post Offices and Post Roads. As I stated the other day, I was one of the authors of the original roads bill. I sincerely hope we may not disagree at this time over passing this very necessary bill. Senators who thought the amount was too large have cut it down one-third. I do not think it ought to be cut any more. I think that the money ought to be spent wisely, and it will be spent wisely, and I sincerely hope that Senators will agree to follow the best judgment of the committee. On the subject of the amount the committee's action

was entirely unanimous. The committee first agreed to it tentatively, and then agreed to report the bill in its present form. I sincerely hope the amount reported by the committee will be allowed.

Mr. REED. Madam President, I wish to make a comment upon what the Senator from New Hampshire [Mr. BRIDGES] said. If there is one point upon which the highway officers of the States have laid emphasis over and over again it is the desirability of the Congress of the United States declaring the policy it intends to follow so that the States may know exactly what they have to do and how much they have to match. They have urged us over and over and over again that whatever we do we should do it early enough for them to know and for the State legislatures which meet only once in two years to know what they must do.

It is easy to be a critic. Sometimes the critic seems to fall into the category of a carping critic who criticizes for the sake of criticism. Here is a case where we are asking for prompt action at the request of the State highway officials themselves. That is the principal reason why we are urging expedition in consideration of the proposed legislation.

The PRESIDING OFFICER (Mr. JACKSON in the chair). The question is on agreeing to the amendment of the Senator from Nebraska [Mr. WHERRY] to the committee amendment, on page 2, line 22, which has already been stated.

Mr. AIKEN. Mr. President, does the amendment of the Senator from Nebraska propose to reduce the amount from \$450,000,000 a year to \$300,000,000 a year?

The PRESIDING OFFICER. The amendment of the Senator from Nebraska [Mr. WHERRY] to the committee amendment will be stated.

The CHIEF CLERK. On page 2, line 22, it is proposed to amend the committee amendment by striking out "\$1,350,000,000" and inserting "\$900,000,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. WHERRY] to the committee amendment.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now recurs on the committee amendment on page 2, line 22, to strike out "\$1,950,000,000" and insert "\$1,350,000,000."

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The next amendment was, on page 2, line 23, after the words "rate of" to strike out "\$650,000,000" and insert "\$450,000,000."

The amendment was agreed to.

The next amendment was, on page 3, line 4, after the word "plans", to strike out the comma and the words "the acquisition of rights-of-way."

The amendment was agreed to.

The next amendment was, on page 3, line 5, after the word "construction", to insert the following proviso: "Provided further, That except for the sum appro-

priated pursuant to the preceding proviso, no part of the funds made available pursuant to this act shall be used to pay costs incurred under any construction contract entered into by any State before the beginning of the first post-war fiscal year."

The amendment was agreed to.

The next amendment was, on the same page, line 23, after the word "plans", to strike out the comma and the words "the acquisition of rights-of-way."

The amendment was agreed to.

The next amendment was, on page 4, line 5, after "(a)", to strike out "\$250,000,000" and insert "\$200,000,000."

The amendment was agreed to.

The next amendment was, on the same page, line 7, after "(b)", to strike out "\$200,000,000" and insert "\$125,000,000."

The amendment was agreed to.

The next amendment was, on the same page, line 16, after the word "Roads", to insert the following proviso: "Provided further, That in any State having a population density of more than 200 per square mile, as shown by the latest available Federal census, the said system may be selected without regard to included municipal boundaries: *Provided further*, That any of such funds for secondary and feeder roads which are ap-

portioned to a State in which all public roads and highways are under the control and supervision of the State highway department may, if the State highway department and the Commissioner of Public Roads jointly agree that such funds are not needed for secondary and feeder roads, be expended for projects in such State on the Federal-aid highway system."

Mr. AIKEN. Mr. President, may we have an explanation of the effect of this amendment, and what States it would affect?

Mr. HAYDEN. The amendment is in two parts, as the Senator will realize. The first proviso was an amendment offered by the Senator from Pennsylvania [Mr. DAVIS], with respect to States having a population density of more than 200 per square mile. Those States are Rhode Island, New Jersey, Massachusetts, Connecticut, New York, and Pennsylvania.

The second amendment was offered by the Senator from Delaware [Mr. BUCK]. As I understand, it would apply to the States of Delaware, North Carolina, and Virginia, which have control of all the roads within their borders. It probably will apply to West Virginia before the effectiveness of the proposed act ends, because that State has obtained control of practically all its highways.

Mr. BUCK. Mr. President, is that the amendment to which the Senator from South Dakota refers?

Mr. BUSHFIELD. No; I have not submitted it yet. I intend to do so as soon as I can obtain the floor.

Mr. BUCK. Mr. President, my interest in this amendment, which was accepted by the committee, arose from the fact that in my State—and I believe the same situation prevails in some of the other States where the roads are under the complete control of the State highway department—we shall not need the money appropriated for secondary roads,

for such roads. The amendment provides that, with the approval of the Commissioner of Public Roads, those funds may be used to supplement the funds used on the State highway system.

Mr. BUSHFIELD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from South Dakota?

Mr. BUCK. I yield to the Senator from South Dakota.

Mr. BUSHFIELD. I should like to ask the Senator from Delaware a question. Is the proposal to which he has referred now incorporated in the bill?

Mr. BUCK. It is in the bill. It is the second proviso.

Mr. BUSHFIELD. As I understand, it applies only to cases in which the State has control of all the highways.

Mr. BUCK. That is true.

Mr. BUSHFIELD. It would not apply to most of the States of the country.

Mr. BUCK. No. That would not be fair. In counties where there are county highway departments, the State highway department and the Commissioner of Public Roads should certainly not take away from them the money which Congress has provided for their use. If the county highway departments were not needed, they would not exist.

Mr. BUSHFIELD. Mr. President, in connection with the section which we are now considering, on page 4 of the bill, I submitted to the committee considering the bill an amendment whereby the preparation for the building of secondary roads would be handled by the State highway commission. I do not refer to the funds, but preparations for building the roads. Under the present arrangement, the law provides that the Public Roads Administration shall have supervision of all highways. That is right and proper, and I have no fault to find with that provision. However, it works out in this way: Heretofore we have made appropriations for secondary roads. The State of South Dakota has never used those secondary road funds, simply because the Public Roads Administration demanded a higher type of road than we wanted to build. I propose to offer the same amendment, in effect, which I submitted to the committee, to insert "Provided, That such secondary roads shall be constructed under plans and specifications approved by the State highway department for each particular State." I suggest that that language follow the word "population" in line 11, on page 4.

The PRESIDING OFFICER. The amendment offered by the Senator from South Dakota will be stated.

The LEGISLATIVE CLERK. On page 4, line 11, after the word "population", it is proposed to insert "Provided, That such secondary roads shall be constructed under plans and specifications approved by the State highway department for each State."

Mr. STEWART. Mr. President, will the Senator yield?

Mr. BUSHFIELD. I yield.

Mr. STEWART. I am interested in the Senator's amendment, because I have an amendment which is very simi-

lar to it. It differs only in that it gives the right to the counties to participate in the preparation of specifications for the roads, and does not leave that matter entirely in the hands of the State highway department. It requires that the county or particular political subdivision in which the roads are to be constructed shall agree with the State highway department.

Mr. BUSHFIELD. I have no objection to that.

Mr. STEWART. I invite the attention of the Senator to my amendment, which is a printed amendment lying on the desk. In the committee print of the bill the pages and lines have been somewhat changed, so I cannot refer to the exact line and page in the committee print. However, my amendment is, on page 4, line 1, of the bill as originally reported, beginning with the word "Provided," to strike out down to and including line 5, and in lieu thereof insert the following: "Provided, That these funds (1) shall be expended upon systems of such roads selected exclusively by agreement between the State highway departments and the county supervisors, county commissioners, or other appropriate road officials of the counties in which such roads are located, and (2) shall be expended for the construction of roads upon such systems in accordance with plans and specifications determined upon exclusively by agreement between the State highway departments and such supervisors, commissioners, or other officials."

Mr. BUSHFIELD. In substance it is the same as my amendment.

Mr. STEWART. It is substantially the same as the Senator's amendment.

Mr. BUSHFIELD. I am willing to accept the Senator's amendment. However, the point which I wish to make clear, if I possibly can, is that objection was made by some members of the committee to the provision that the Federal Government must retain control of the funds.

My amendment is in almost the same wording as that of the Senator from Tennessee. I had no intention of taking away from the Federal Government supervision over the building of secondary roads, and I do not believe that any ordinary construction of the words used in the amendment would take supervision away from the Government. My amendment would merely permit the State highway department in each of the respective States to decide what kind of a road it wished to build. Supervision over the construction of the road and the expenditure of the money would remain in the Federal Public Roads Administration.

I repeat that South Dakota has never used any of the secondary-road money, simply because the Public Roads Administration would not permit us to build the type of road which our people wanted for farm-to-market roads. I believe that the money should be expended to help that class of our population in building farm-to-market roads, and that we should be permitted to build the kind of roads which we want, rather than the kind which the Public Roads Admin-

istration wants. Let the Public Roads Administration supervise the construction, but let the counties and States decide upon the types of roads they want.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. BUSHFIELD. I yield.

Mr. STEWART. I believe that the Senator is reaching the important part of the construction of farm-to-market roads by the amendment which he has offered. However, I believe—not from the standpoint of pride of authorship—that my amendment covers the situation a little more completely. We are both driving in the same direction.

The other day I stated on the floor of the Senate, without being critical of the Public Roads Administration—and I do not mean to be, because I think it is doing an outstanding job—that the chief criticism which I had heard in the past few years concerning the construction of farm-to-market roads was just what the Senator from South Dakota has stated, and that is that every time a State, county, or political division attempted to construct a rural road the standards which have been heretofore adopted and controlled by the Public Roads Administration were made entirely too high, and the cost of construction of such roads as the Public Roads Administration would approve was out of line with what the particular community to be served thought the road should cost.

I saw no way to correct that situation except by following the same thought which the Senator from South Dakota has followed, that is, to require that the specifications for rural roads—and this particular provision applies only to rural or farm-to-market roads—shall be determined by the community in which the road is to be built. Conceivably a rural road in the vicinity of a great city such as Chicago would bear heavier traffic than one in a more remote part of the country would bear; and the community in which such a road is constructed should have the right, since it is the community which is to be served and the one to be aided in paying for the road, to determine the plans and specifications and kinds of road to be built. I think that is a fundamental principle which should remain in the bill, so far as such roads are concerned.

Mr. McKELLAR. Mr. President, will my colleague yield to me?

Mr. STEWART. I yield.

Mr. McKELLAR. I should like the best in the world to agree with my colleague in this matter. One of the best and most powerful friends I have in the State of Tennessee is very anxious to have such a provision inserted in the bill. But the matter is one of principle, with me. I simply cannot do it. I simply cannot bring myself to the policy or the principle of having the Federal Government furnish the money but retain no supervision over its expenditure. That is what the amendment, if adopted, would amount to. I simply cannot see how we would be doing our duty to our Government and to our country, if we turned over \$125,000,000 to be spent in that way.

Mr. BUSHFIELD. Mr. President, will the Senator yield to me?

Mr. McKELLAR. I shall yield in a moment.

Mr. President, the Senator has said it is a matter of principle and policy. It is. It is a matter of the highest principle and policy. If it is good as to secondary roads, why would it not apply in equal measure to principal roads? The principle is exactly the same.

The other principle has worked splendidly. The system of building roads on the principle of equal contributions and Government supervision has worked wonders. Never before has such a system been built anywhere. Why should we now depart from it to the extent of \$125,000,000 a year, and turn that money over to the States? I simply cannot bring myself to reach that conclusion, although I should like to do so, for the personal reasons I have just mentioned. As I said, one of the most powerful, one of the finest, and one of the grandest men I ever knew is earnestly in favor of letting the States and counties have absolute control of the farm-to-market roads. Ordinarily, I would be of the same opinion. But as a member of this Government and as a Senator in this body, I simply cannot bring myself to vote to turn \$125,000,000 over in this way, without retaining control as to the system and as to the plans and specifications and kinds of roads to be built.

I should also like to favor the amendment on account of my able friend, the Senator from South Dakota [Mr. BUSHFIELD]. I should like the best in the world to agree to its adoption. The Senator is making a grand Senator, and he is a grand man. But I cannot bring myself to vote for it, and I hope to heaven the Senate will not agree to it.

The PRESIDING OFFICER. The present occupant of the chair understands that the Senator from South Dakota has not offered an amendment to the committee amendment.

Mr. BUSHFIELD. Mr. President, I am about to offer an amendment, not a committee amendment. The amendment was considered in the committee, however.

Mr. McKELLAR. Mr. President, under the unanimous-consent agreement, were not the committee amendments to be first considered?

The PRESIDING OFFICER. The amendment of the Senator from South Dakota apparently, from his own statement, is an amendment to the bill, not a committee amendment. Therefore, it is not to be considered at this time. Under the unanimous-consent agreement, the committee amendments are to be first considered.

The pending question is on agreeing to the committee amendment on page 4, beginning in line 16. The Chair hears no objection to the amendment. Without objection, the amendment is agreed to.

Mr. STEWART. Mr. President, I should like to ask a question of the Senator from South Dakota. I ask whether I correctly understood him to state that the amendment which he will later offer will include the words "in cooperation

with the county supervisors, county commissioners, or other appropriate local road officials". I should like to have the Senator accept an amendment which would include road officials of the counties being served.

I understand that some of the States of the Union do not have any county highway commissioners. Of course, we are dealing with 48 different States and, probably, 48 different road systems. But, after all, many of them are somewhat akin. However, some of the States do not undertake to maintain separate county road systems. Some of them do maintain separate county road systems. After all, if the amendment is to meet the situation in every State, not merely in those where independent county road systems are not maintained, it should be so drawn that the independent county road systems would not be forced to comply with standards adopted by the State highway commissions alone.

Under the Senator's amendment, the State highway departments would make the entire selection. For instance, in the State of Tennessee, regarding whose road system I have more knowledge than with respect to that of any other State, the State commission has no interest in roads which are merely a part of a county system.

Mr. BUSHFIELD. Mr. President, I do not wish to be misunderstood. I said I accepted the Senator's idea in principle. I did not say I accepted the exact wording which was stated, because I had not read it.

Mr. STEWART. I should like to have the Senator consider that point.

Before I take my seat, I desire to state that this matter goes to the fundamentals of the provisions of the bill which control the construction of rural roads. Let me add that I am in favor of it because of the fact that almost every year for possibly 6, 8, or 10 years, bills providing funds for highway purposes, which have been passed by the Senate and by the House, have contained provisions for farm-to-market road air or rural road aid. I understand that it began about 1936, more or less as an experimental matter.

Mr. McKELLAR. That is correct. It was in a very small amount and did not amount to much. This is the beginning of the system.

Mr. STEWART. I understand that each road bill since 1936 has contained some such provision.

Mr. HAYDEN. But the amounts of money so appropriated have been very meager, nothing substantial.

Mr. STEWART. I understand that to be correct; but very few country roads have been built. So, if we continue to give authority to the Federal Government to have complete control over the construction of these roads, I am afraid it will not accomplish what we would like to have accomplished.

The PRESIDING OFFICER. The clerk will state the next amendment of the committee.

The next amendment of the committee was, on page 5, line 3, to strike out "\$200,000,000", and insert "\$125,000,000".

The amendment was agreed to.

The next committee amendment was, on page 5, line 9, to strike out "\$250,000,000", and insert "\$200,000,000".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee. Without objection—

Mr. MALONEY. Mr. President, I desire to offer an amendment to the amendment. I will read it. On page 6, strike out the period after the word "census", and insert a comma and the following language—

Mr. McKELLAR. Mr. President, we have not yet reached that point.

Mr. HAYDEN. We have not yet reached that place. We are on page 5.

Mr. MALONEY. I beg the pardon of the Chair. I meant to refer to page 5.

Mr. HAYDEN. The Senator has been referring to page 6, but the pending committee amendment is on page 5.

Mr. MALONEY. I have the committee print before me. I understand that the amendment now pending is on page 5, in line 9.

Mr. HAYDEN. That is correct.

Mr. MALONEY. I desire to offer the following amendment: On page 5, in line 14, strike out the period after the word "act" and insert a comma and the following language: "Provided, That no State shall receive less than an apportionment equal to six-tenths of the percentage of the Federal gasoline tax collected in the State, as measured by the total net amount taxed value in Public Roads Administration Statistical Report G-2 for 1941."

The PRESIDING OFFICER. The Chair advises the Senator from Connecticut that the amendment he has just stated would constitute an amendment to the bill, and is not now in order, since it would not constitute an amendment to the committee amendment on page 5, in line 9.

After all the committee amendments have been considered, the Senator's amendment will be in order.

Mr. MALONEY. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 5, in line 9.

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The next amendment was, on page 5, line 10, after the word "system", to strike out "and the \$200,000,000 per year available for projects on the secondary and feeder roads shall each" and insert "shall."

The amendment was agreed to.

The next amendment was, on page 5, after line 14, to insert the following new subsection:

(b) The \$125,000,000 per year available for projects on the secondary and feeder roads shall be apportioned among the States in the following manner: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the rural population of each State bears to the total rural population of all the States, as shown by the Federal census of 1940; and one-third in the ratio which the mileage of rural delivery and star routes in each State bears

to the total mileage of rural delivery and star routes in all the States.

The amendment was agreed to.

The next amendment was, on the same page, line 25, to strike out "\$200,000,000" and insert "\$125,000,000."

The amendment was agreed to.

Mr. MALONEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MALONEY. I am raising the question in order to protect my position. I have a feeling that the Chair may rule as he did a moment ago. I desire to amend, on page 6, in line 7, after the word "census", by striking out the period, inserting a comma, and the following language: "Provided, That Connecticut towns shall be considered as municipalities regardless of their incorporated status."

The PRESIDING OFFICER. The Chair rules that the amendment offered by the Senator from Connecticut would constitute an amendment to the bill, and would not be in order until after all committee amendments had been considered, and amendments to the bill were called for.

The next amendment of the committee will be stated.

The next amendment was, on page 6, line 22, after the word "exceed", to strike out "60" and insert "50", and in the same line after the words "of the" to insert "construction."

The amendment was agreed to.

Mr. MALONEY. Mr. President, on page 5, line 25, and on page 6, lines 8 and 11, the subdivisions were not changed so as to be in their proper alphabetical order.

The PRESIDING OFFICER. The Chair passed over those amendments as having been unanimously agreed to, but in order to make the Record clear, without objection, subparagraph (b) on page 5, and subparagraphs (c) and (d) on page 6 will be changed to (c), (d), and (e), respectively.

The next committee amendment will be stated.

The next amendment was, on page 7, line 10, after the word "classes", to strike out:

And provided further, That the entire construction cost of projects for the elimination of hazards of railway-highway crossings may be paid from Federal funds, except that not more than 50 percent of the right-of-way and property damage costs, paid from public funds, on any such project, may be paid from Federal funds.

And insert:

And provided further, That any part of the construction cost of projects for the elimination of hazards of railway-highway crossings, except the part of such cost which is paid by the railway or railways involved, may be paid from Federal funds; Provided further, That no Federal funds shall be expended on any such project unless the railway or railways involved pay not less than 15 percent of the construction cost of such project.

(b) If within any of the three post-war fiscal years referred to in this act the Federal Works Administrator shall find with respect to any State (1) that the proceeds of all special taxes on motor-vehicle transportation, as referred to in section 12 of the act of

June 18, 1934 (48 Stat. 995), as amended, are applied to highway purposes as defined in said section; (2) that at least 90 percent of such proceeds are applied to the administrative and operating expenses of the State highway department, the maintenance of the State and Federal-aid highway systems, and the payment of interest on, and the amortization of, bond obligations of the State for the payment of which such revenues have been continuously pledged since January 1, 1942; (3) that the rate of none of such taxes has been reduced after September 1, 1944; and (4) that the portion of the proceeds of all such special taxes then available for construction, together with funds available to the State from any other sources for highway purposes, will be insufficient to match all, or any part of the funds apportioned to such State for such fiscal years in accordance with the provisions of this act, then such portion of such apportionments as the Federal Works Administrator shall find the State is unable to match shall be made available for expenditure in such State in accordance with the Federal Highway Act, as amended and supplemented, without being matched by the State. Any finding made by the Federal Works Administrator under this subsection shall be made by him only after a full and complete investigation of the facts and records upon which such finding is based.

Mr. FERGUSON. Mr. President, in the committee I opposed this amendment and I wish to oppose it on the floor of the Senate.

If we adopt the proposed amendment, in my opinion we will be passing class legislation which will accommodate and be for the benefit of but one State in the Union. We should know that if we agree to the amendment we will say, in effect, to the States of the Union that in the future if they wish to violate the rules, if they wish to appropriate money and misuse it on highways, and later find themselves in such financial condition that they will not be able to match with the other States, then the Federal Congress will take care of them notwithstanding their conduct in the past. The proposed amendment goes so far as to say that a State may appropriate to other uses 10 percent of its revenue. Arkansas will be benefited by this section. It can divert to other uses 10 percent of its highway funds and still not match the Federal fund.

Mr. McKELLAR. Mr. President, does the Senator refer to the language in line 5 on page 8?

Mr. FERGUSON. Yes.

Mr. McKELLAR. It would not be diversion. The language states:

That at least 90 percent of such proceeds are applied to the administrative and operating expenses of the State highway department, the maintenance of the State and Federal-aid highway systems, and the payment of interest on, and the amortization of, bond obligations of the State for the payment of which such revenues have been continuously pledged—

And so forth.

Mr. FERGUSON. It would allow the States to use 10 percent for other uses provided they used 90 percent in the manner provided in the bill. They could divert 10 percent of the money.

Mr. McKELLAR. The language provides that all the proceeds from special taxes—

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. McCLELLAN. The provision to which reference has been made is contained in the former Road Act. This is a copy of the former act. But, in order that there may be no misunderstanding with reference to the State of Arkansas, which the Senator seems to be discussing, I state that there is no diversion of funds in Arkansas. There is not even 1-percent diversion. All the money which is collected there for highway purposes is expended for highway purposes. As I interpret the proposed amendment, which is a copy of a provision in highway legislation heretofore enacted by Congress, the language with respect to the proceeds from all special taxes under clause (1) is a condition precedent. The language to which I refer reads:

That the proceeds of all special taxes on motor-vehicle transportation, as referred to in section 12 of the act of June 18, 1934 (48 Stat. 995), as amended, are applied to highway purposes as defined in said section.

If the section means anything, it requires all and not merely 90 percent.

Mr. FERGUSON. Mr. President, I have read section 12 of what has been referred to as the act of June 18, 1934, 48 Statutes 995, and there is nothing mentioned in relation to what the Senator has said. The language reads:

SEC. 12. Since it is unfair and unjust to tax motor-vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, or maintenance of highways, after June 30, 1935, Federal aid for highway construction shall be extended only to those States that use at least the amounts now provided by law for such purposes in each State from State motor-vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators of all kinds for the construction, improvement, and maintenance of highways and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes, under such regulations as the Secretary of Agriculture shall promulgate from time to time: *Provided*, That in no case shall the provisions of this section operate to deprive any State of more than one-third of the amount to which that State would be entitled under any apportionment hereafter made, for the fiscal year for which the apportionment is made.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. McKELLAR. That language the Senator from Arkansas says was taken from a former act. It will be remembered once or twice or maybe several times we used such language. I wonder, may I not bring about another compromise between the Senator from Arkansas and the Senator from Michigan? Suppose it were made to read "99 percent" instead of "90 percent"; would that be satisfactory?

Mr. FERGUSON. I cannot agree to any compromise of this section because, in my opinion, it is very bad legislation, and should not be passed at all.

Mr. McKELLAR. I understand the Senator is going to vote against the en-

tire section. That is my understanding from what he has told me.

Mr. FERGUSON. Making it 99 percent would help 9 percent.

Mr. McKELLAR. If there is some confusion about it, let us do away with the confusion by making it 100 percent.

Mr. FERGUSON. I think it should be a hundred percent.

Mr. McCLELLAN. Mr. President, I wish to say to the Senator that the 90-percent provision, if construed as the Senator interprets it, is not militating in favor particularly of the State of Arkansas. At the time it was originally enacted it was made broad enough to favor some States that might have some slight diversions. Arkansas did not have, but it was not an effort to single out merely one State, as the Senator says. Neither is this, because there will be in this program before it is completed other States, in my judgment, that are not going to be able to match this money and that possibly are not diverting, and they ought not to be precluded from participating in this program, to whatever extent their proper allocation of Federal funds may be, merely because they may have expended in the past for highway purposes the full limit of their revenues of the present.

Mr. McKELLAR. Mr. President, again in the interest of harmony, I am going to ask unanimous consent that the figure "90" be stricken out and the figure "100" be inserted.

Mr. McCLELLAN. Mr. President, I may say, in all fairness, that other States may have a little fraction of diversion somewhere which no one would regard as substantial.

Mr. McKELLAR. I should think the Bureau of Roads would pass upon that in an entirely proper way.

Mr. McCLELLAN. If it is made 100 percent and there should be a dollar diversion, that would knock the whole section out so far as some States are concerned.

Mr. McKELLAR. That would make the officials very particular, and that is all the Senator wants, and all anyone should want.

Mr. McCLELLAN. That is all I want. I think if we make it 98 or 99 percent the protection desired would absolutely be afforded.

Mr. FERGUSON. Mr. President, why should any percentage of money that is raised for highway purposes be diverted and in the next breath the Federal Government be asked to appropriate money without the State even matching the sum?

Mr. McCLELLAN. Mr. President, will the Senator yield there?

Mr. FERGUSON. I yield.

Mr. McCLELLAN. On that basis, if we are going to follow that principle in this legislation, we should put in this bill a provision that no State that diverts gasoline taxes or revenues derived from motor vehicles may be permitted to participate in the program. We ought to bring it all in line now if that is the principle to be followed. Because a State has a slight diversion, or some diversion, if we are going to say that after it has gone the limit in the road-building pro-

gram, as my State has done, it cannot participate in this program unless it can go to some other source and find additional revenue, when it has gone as far as it can go—if we are going to hew to the line in the matter of diversion we certainly ought not to appropriate money for States that are diverting from gasoline taxes and give them a huge amount under this particular program, as is proposed to be given to them. If this proposed law is to be predicated on such a principle, then I am afraid this bill cannot pass.

Mr. FERGUSON. I cannot think that that is at all in line with this provision. If a State raises money and is able, notwithstanding some diversion of its funds, to match the Federal money, there is no reason why the Government should say that under no circumstances may the State divert. We merely say in this act that it cannot divert if it wants the Federal Government to match its money or the stake it is putting up. That is all that it is proposed to say by the bill.

Mr. McKEILLAR. Mr. President, again in the attempt to harmonize, I ask unanimous consent to strike out "90" and insert "100." Will the Senator from Michigan yield to me for that purpose?

Mr. FERGUSON. I yield for that purpose.

The PRESIDING OFFICER. Is there objection to the motion of the Senator from Tennessee?

Mr. McKEILLAR. It is a request for unanimous consent, and not a motion.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Tennessee?

Mr. FERGUSON. Mr. President, I understand that the bill has been amended now to read that "at least 100 percent" of such proceeds are applied to administration. I presume we should strike out by unanimous consent the words "at least," so that it would read "100 percent of such proceeds."

Mr. McKEILLAR. I agree that that should be done.

The PRESIDING OFFICER. For the sake of clarity, the clerk will read the amendment as it now reads.

The LEGISLATIVE CLERK. On page 8, line 5, it is proposed to strike out the words "at least 90" and insert "100," so as to read "that 100 percent of such proceeds are applied to the administrative and operating expenses of the State highway department," and so forth.

The PRESIDING OFFICER. Is there objection to the amendment, as it has just been stated, to the committee amendment? The Chair hears none, and the amendment to the committee amendment is agreed to.

The question recurs on agreeing to the committee amendment as amended.

Mr. FERGUSON. Mr. President, at least we have remedied one defect to the extent of 10 percent, but I still think that this is bad legislation, because we are saying to the State of Arkansas and to every other State in the Union that if the State places its highway department in such a position that the State will not be able to match the Federal money to the extent provided, namely, 50 percent, each State and the Federal Government put-

ting up the same amount, which is 50 percent, it is going to be the policy of the Congress to give the State 100 percent.

Mr. President, I appreciate what happened to Arkansas in her road-building program a number of years ago. A few years ago Arkansas built a great mileage of highways under so-called district road building, and it was found that the districts could not pay for them. A tax was levied directly against the land, and it became necessary for the State to take up that indebtedness and make it a State indebtedness, and we are now attempting to allow that State to pay off that indebtedness and share in the Federal fund without matching the Federal fund with State funds.

They are now saying to the Federal Government that, notwithstanding an absolute provision in the pending bill, they will pay money only up to the extent of 50 percent, that in their particular case we are to put up 100 percent. If this is going to happen in the State of Arkansas, we are going to say to the other States in the Union, "We are not concerned with the way you handle your funds next year and the year after, we are not concerned with the amount of money you raise. If you use 100 percent of it for your roads, we will not only match it to the extent of 50 percent, but we will match it to the extent that we match any other State in the Union."

Mr. President, I do not know what we can do here but strike out this provision and say to the States of the Union, "We believe in the use for highways of money that is raised for highway purposes, and we, the Federal Government, are willing to match the amount you provide, but we are not going to let you divert your money collected in previous years, or even to place proper taxation upon the books and say we will extend you credit notwithstanding 45 or 47 other States are getting it only to the extent of 50 percent."

Mr. President, I think we should vote down this particular amendment. It has no place in the bill, because the bill is founded upon the fundamental principles that the Federal Government will match funds, and will only match funds, and is not going to make an exception of one State and make a donation of a certain amount of money to that State because other States are able to match.

Mr. McCLELLAN. Mr. President, as I stated a moment ago, Arkansas is not the only State that is not going to be able to match the entire program.

Mr. FERGUSON. Will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. FERGUSON. So that the Record may be clear, let me say that my reason for using the State of Arkansas was that I talked to Mr. McDonald this morning, and I understood him to say that at the present time Arkansas is the only State which would be unable to match on the basis of a \$450,000,000 appropriation per annum. That was why I used the one State. I anticipate that in the future other States may take advantage of the same provision.

Mr. McCLELLAN. I do not know about the \$450,000,000, since the figure

has been reduced, but it was anticipated that some 12 or 15 States would not be able to match on the basis of the original bill, that is, through the 3-year period.

The Senator refers to how my State has spent its money. Let me say to him that it is true, possibly, that in our ambition to try to have roads we made some mistakes in the early period of our road-building program, but I do not believe the Senator can find that anywhere or at any time Arkansas has diverted road money for any other purpose. The truth is that we burdened our people in an effort to build roads. The tax to which the Senator referred was placed on the land values adjacent to the various roads in our effort to build up a road system. I agree with the Senator that it did not prove to be a good system or a good policy. Thereafter, as automobile transportation developed, Arkansas went into a road-building program and took over the bonds, where the taxes were on the real property.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. McCLELLAN. I gladly yield.

Mr. FERGUSON. On the same basis, if we enact the proposed legislation, and other States have the same situation, having an indebtedness which is against particular land, what would prevent such a State from transferring such indebtedness to a State basis, and thereafter saying to the Federal Government, "We are going to pay that off as a State, and we are going to share a hundred percent with any other State, and not put up \$1"? What is to prevent that very thing happening, under this section?

Mr. McCLELLAN. It is not happening anywhere now. That period of road construction is over, as the Senator knows.

Mr. FERGUSON. I am positive that in Michigan we have some bonds which are outstanding under the Covert Act which could be transferred to the State. I know that other States must have the same situation, the indebtedness being a lien upon the land, which could be transferred from districts and counties to the State. Then they would share, under this section of the proposed act, and not have to put up one cent.

Mr. McCLELLAN. I am sure we have the same situation, particularly with respect to urban roads. The Senator is complaining about a provision, this amendment, which has been a provision in 2 previous highway laws, in the 1936 act, and also in the 1938 act. In the pending bill we have an innovation, an appropriation for strictly urban highways, in cities of 5,000 population or more. The bill sets up a formula which gives tremendous advantage to States which are small in area, and have large numbers of communities of 5,000 and more, whereas a State like Arkansas will receive practically no benefit.

What the Senator is today opposing is not new legislation, but there is new legislation proposed in the bill which he is supporting. We are starting a new program from which my State will receive practically no benefit.

Mr. FERGUSON rose.

Mr. McCLELLAN. Let me point out one other thing to the Senator, then I shall be glad to yield to him, because he may desire to comment upon it. Arkansas pays into the Federal Treasury in the way of motor-vehicle taxes, under the Federal tax laws, approximately a million and a half to two million dollars a year at the present time. In my State the tax rate is next to the highest in the Nation. We have a 6½-cent tax on gasoline, plus a 1½-cent Federal tax, which makes the tax we are paying on gasoline 8 cents. We are carrying this road program and retiring this indebtedness, and since there has been no construction program in the last 2 or 3 years, we will have some four or five million dollars in the beginning of the program with which we can match Federal funds. To that extent we can begin, and over the whole period of time we can probably match a total of \$8,000,000, of the \$19,000,000 plus or Arkansas' allocation of funds provided in the bill.

If we are to say to a State, "We are going to tax you and just because you have already expanded your road system and builded it up to the point where all the revenue under the high taxation is consumed, yet we are going to continue to tax you and not permit you to receive any money back," on the basis of equity I think there should be an amendment to the bill providing that when a State has expended its revenue and is unable to match, certainly such a State should be reimbursed the Federal taxes it pays and which otherwise would be allocated and used for other States under this program.

In reference to his remark about favoring a State, I suggest to the Senator that if we are to go into this new program of urban highways, and under the program which we are now initiating with respect to the urban highways Arkansas would receive 30 cents per capita if it were able to match, while other States received as high as \$2 and more per capita. That is what I would regard as discrimination. Yet, as has been said on the floor of the Senate, in trying to pass a bill such as this we have to do some giving and some taking. Therefore I have gone along with these provisions which would help others in order to meet the peculiar situations of other States.

I do not want an act which is, in part, to meet the needs of the country, next to provide a works program, possibly in the post-war period, with my State continuing to pay the Federal tax but not being permitted to participate in the program on the same basis practically on which other States are receiving benefits.

Mr. REED. I inquire if the Senator from Arkansas has yielded the floor?

Mr. McCLELLAN. I yield the floor.

Mr. REED. Mr. President, the acceptance of this amendment by the committee was a very fine compliment to the Senator from Arkansas. I do not believe there is any other circumstance that would have secured its acceptance. At the same time, Mr. President, it is thoroughly unsound legislation. Reduced to the very simplest terms, this proposal

means that when a State reaches the end of its ability to match—and for the moment I am disregarding the cause, or what the State does with its money—the fact remains that the adoption of this amendment means that when a State reaches the end of its ability to match, the Federal Government will build the roads and pay for them 100 percent. That is not good legislation.

Mr. President, I have no criticism of Arkansas as a State. I have no right to criticize it. I would not criticize it if I had a right to do so. The State did make an earnest effort. Whether its action was wise or not does not change the fact that it did make a very earnest effort some 10 or 12 years ago to construct a high-class system of roads, and the State spent a great deal of money, and it had a great deal of trouble. To me, however, that does not enter into the equation.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. REED. If the Senator from Tennessee will be good enough to wait I will finish in a moment or two. I am not considering the reasons why Arkansas finds itself in this dilemma any more than I have a right to criticize Nebraska or New York—and New York is the worst offender of all, for it diverts \$64,000,000 a year.

I will state the fundamental principle involved in this legislation. We have gone along over a period of years on a basis of matching Federal contributions by State contributions 50-50. Now we are saying by this provision that when a State reaches the end of its ability to match—and again I desire to call the attention of the Senate to the fact that I am not discussing the reason for it—the Federal Government shall come forward and build the roads 100 percent. If we are going to do that for Arkansas, there is no reason why we should not do it for Nebraska when Nebraska reaches the end of its ability to match, though the reasons may be different.

Mr. President, I am just as fond of the Senator from Arkansas as is any member of the committee who voted to accept his amendment. What I now say is said because I profoundly believe that even though such a provision has been included in some previous act, yet it is unsound legislation, and in the absence of some extraordinary catastrophe, some act of God, some circumstance beyond the control of a State, the Federal Government ought not to go into a State and construct roads 100 percent out of Federal funds merely because the State has reached the end of its ability to match.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. REED. I will not yield the floor unless the Senator desires to ask me a question.

Mr. McCLELLAN. I wish to ask the Senator one question.

Mr. REED. I yield.

Mr. McCLELLAN. The Senator says he feels it would not be right for the Federal Government to go into a State and build the roads on the basis he has described. Does the Senator feel that in cases where States are diverting consid-

erable of their road taxes it is right for the Federal Government to go into them and put up some of the money to build up their road systems?

Mr. REED. The Senator from Arkansas propounds a very interesting and a very important question. It is none of my business what the State of New York does with its excess.

Mr. McCLELLAN. The Senator suggested the State of New York. I did not. I am talking about any State.

Mr. REED. I took the State of New York because it is the largest. It is none of my business either as a Senator or as a citizen of Kansas what New York does with its excess collections from highway users. The only reason why I have a right to interest myself in what New York does is that we have a program of matching State funds with Federal funds 50 percent each. If New York can match Federal funds up to the full limit offered in the construction of the road program, no matter whether I think it is wise or unwise, no matter whether I think New York may be mistreating and misusing its highway users, no matter whether I think New York is following an unwise policy, it is none of my business as a Senator of the United States. Does that answer the Senator's question?

Mr. McCLELLAN. Except this, that I am not undertaking to criticize New York or any other State for the use of its money as it may choose, but the fact remains that we still make a contribution from Federal funds for the construction of roads in those States, and we are doing it not because the particular State needs it so much, because the State has revenues coming in for that purpose, with which to construct roads, but simply because it is equitable in an all-out road-construction program or a Federal road-construction program.

Mr. REED. I may add to what the Senator from Arkansas has said, that what we are doing is to construct a national system of highways. In order to carry out that purpose and to bring about that end, the Federal Government says to the States, "Now in order to create this system of highways we will pay half the cost, and you pay the other half." My interest as a Senator must cease when the State matches the money which is available and which is offered to the State. What it may do with the excess over the amount necessary to match the Federal funds, whether the State be Georgia or New York or Nebraska, or any other State, is none of my business. But, if I may be permitted to say so, I think the answer to the question asked by the Senator from Arkansas, is that when the ability of a State to match the funds offered by the Federal Government is exhausted, when the State has reached its limit or capacity, then the Government should stop building Federal-aid roads in that State.

Mr. McKELLAR. Mr. President, the committee amendment, of course, is a departure from the general practice, but we have had the same arguments made twice before on the floor, and the Congress has agreed to the proposal after arguments were made. That is probably

no reason why it should be done now. This bill however is a matter of compromise. It is remarkable—

Mr. REED. Mr. President—

Mr. McKELLAR. Wait one moment. The Senator declined to yield a moment ago, and now I will ask him to wait for a moment.

Mr. REED. I was going to remind the Senator of his devotion to a principle from which he would not yield.

Mr. McKELLAR. Wait one moment. The Senator has yielded and made several departures from principle. It is remarkable that this discussion arises between two States apparently, and one of them has an advantage over the other.

The wonderful State which my good friend, the Senator from Michigan [Mr. FERGUSON] represents, one of the greatest States in the Union, is getting a very decided advantage in this bill, a very large advantage, as compared with the advantage that is given to the State of Arkansas, for the reasons which have been stated. Of the \$125,000,000 for urban roads, New York, Massachusetts, New Jersey, Pennsylvania, California, and Michigan together receive over one-half of the \$125,000,000.

Mr. FERGUSON rose.

Mr. McKELLAR. Just one moment. Let that statement sink in. I did not think such a division was proper. Theoretically it is not. But we have had to adjust these differences, we have had to agree respecting these differences. We all agreed upon the amendments yesterday, with the exception of the one relating to payment for rights-of-way. I did not know that the Senator had disagreed with respect to this amendment. I misunderstood him. However, the other members of the committee all agreed to it.

I am pointing this out not for the purpose of casting any reflection upon my friend, or for the purpose of criticizing, but merely for the purpose of showing that we have had to yield something in order to get a road bill. I think it is rather unfair that six States in the Union should receive approximately sixty-two and a half million dollars of the appropriation for urban areas; but I certainly shall carry out my agreement. I shall not speak against that provision. There are some things about it which I do not like, but I shall not speak against it. I shall carry out my agreement. That is the only way in which we can arrive at a satisfactory bill. We cannot enact a bill if we continue to fight. We have compromised, yielded, and made adjustments in the committee, and I think the adjustments have been excellent. I am not quarreling over the small matter of the State of Arkansas, or the large matter of the State of Michigan, the State of New York, and other States. I am perfectly willing for them to have this advantage, because that is the way to compromise and adjust.

Therefore, as I did awhile ago, I ask the Senate again, as earnestly as I know how, with as good grace as I can command, and in as kindly a way as I know how, to pass the bill today. For heaven's sake, let us not quarrel over the question whether one State or another obtains a

slight advantage, because they are all being dealt with very generously by the Government.

Mr. BUCK. Mr. President, I believe that this is an unwise amendment, and I hope it will be defeated. I should like to ask the distinguished chairman of the committee to refresh my memory. Was not this amendment approved in the committee by a margin of one vote?

Mr. McKELLAR. I believe it was. I do not remember exactly.

Mr. BUCK. My recollection is that the vote was 6 to 5 or 7 to 6.

Mr. McKELLAR. It was tentatively agreed to in that way. Then we tentatively agreed to all the amendments, and finally reported the measure without opposition, except that the Senator from Michigan [Mr. FERGUSON] desired to be recorded against the amendment dealing with rights-of-way.

Mr. FERGUSON. Mr. President, it is my understanding that the amendment was approved by a margin of one vote; but I believe I should say something about the so-called favoritism shown to certain States in this bill.

The State of Michigan is interested in good roads. Most of the automobiles of the country are manufactured in Michigan. We have some large cities in Michigan. Some of the other States which have been mentioned have large cities. This is the first time that it has ever been recognized that Federal highways even went near or through the large cities of the country.

It is my understanding that the Federal Government collects from the automobile owners and drivers of this country \$650,000,000 a year. In my opinion, the people in the large cities of the country pay a great percentage of that \$650,000,000. Then we hear from the State of Arkansas and from the State of Tennessee that because there is an appropriation in the bill of \$125,000,000, the first appropriation the cities have received, favoritism is being shown to certain States because they happen to have within their borders large cities. I think it ill becomes the States which have been receiving Federal aid for many years to say that Federal aid should be extended only with respect to rural roads, when the war effort of this country has worn out many of the streets of the cities of Detroit, Flint, Saginaw, Muskegon, Grand Rapids, Kalamazoo, and other cities of this Nation.

Mr. President, the cities will not be able to use the \$125,000,000 a year, because the State highway departments will not be able to furnish the money necessary to widen streets and highways to accommodate the people from the rural sections. The committee has eliminated from the bill the aid which would otherwise have been given to the large cities by reason of the Federal Government sharing in the costs of condemnation.

Mr. President, the fact that in the past we have twice included a provision similar to the pending amendment in bills appropriating small sums of money is no reason why we should do it a third time, and favor one State. In my humble judgment, this is merely an opening wedge for every highway department in

the United States to have its lawyers look into the possibility of avoiding the 50-50 ratio of contributions, and still receive the full amount. We should not make available to State highway departments this loophole by which they can change the 50-50 arrangement and receive appropriations from the Federal Government without matching them.

Mr. McKELLAR. Mr. President, I believe the Senator unintentionally included Tennessee when he should not have done so. Tennessee has matched Federal funds every time, and will continue to do so.

The Senator seems to think that a horrible example would be set by this amendment. This provision has been in the law for nearly 10 years, and nothing very harmful has resulted from it, and probably nothing harmful will result from the fact that six States in the Union will receive half of the appropriation for urban areas. I wished to adjust, compromise, and arrange this matter so that if possible the country would be pleased, Senators would be pleased, and the Congress would be pleased at being able to enact a highway bill.

This is a serious matter. We ought to improve the roads of our country. Some of them are now in bad condition, and we ought not to quarrel over small troubles in a few States. All this trouble arises in seven States.

Mr. REED. Mr. President, I rise only because of the inferential criticism implied by the Senator from Tennessee with respect to not always following the committee.

Mr. McKELLAR. Mr. President, I withdraw it. I did not mean it in that way.

Mr. REED. I am a member of the committee, and I participated in its action. I ask the Senator from Tennessee to testify as to whether or not I gave and took as much as any other member of the committee. However, the compromises related entirely to details, such as the question of how much money should be appropriated, and so forth. When it comes to the question of whether the Federal Government should share in the costs of rights-of-way, it is my opinion that from a practical standpoint it should do so. It is proposed to appropriate \$125,000,000 for urban areas, which means taking the national highways into or around large cities. The largest part of the cost of such an operation lies in the acquisition of rights-of-way. If the Federal Government does not participate in the cost of purchasing rights-of-way for that purpose, there will be no improvement, and the \$125,000,000 will not be spent. The Senator from Michigan is correct in that respect.

With respect to the elimination of grade crossings, I desire to see railroad grade crossings eliminated. I believe that injury to the people of the country is the main factor. But I yielded on all those questions.

However, the pending provision deals with a question of principle, and sound legislation. I remember the distinguished Senator from Tennessee smiling earlier in the day when he was asked if he would yield on the minor question in-

volved in the Stewart amendment, which will be before the Senate for consideration later, and the Bushfield amendment. He assured them that he was sticking to his principles. So I say to the Senator from Tennessee that I am sticking to my principles.

Mr. McKELLAR. That is all right.

The PRESIDING OFFICER (Mr. THOMAS of Oklahoma in the chair). The question is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The next committee amendment was, on page 12, line 12, after the word "highways", to strike out "or roadside development areas along such highways", and insert "after approval of the location by the Civil Aeronautics Administration."

The amendment was agreed to.

The next amendment of the committee was, on page 12, in line 21, after the word "necessary", to insert "construction."

The amendment was agreed to.

The next amendment was, on page 12, line 22, after the word "therefor", to strike out the comma and the words "including the cost of acquiring the land necessary for such facilities."

The amendment was agreed to.

The next amendment was, on page 13, in line 8, after the word "the", to strike out "location, form", and insert "form."

The amendment was agreed to.

The next amendment was, on page 13, line 12, after the words "subject to", to strike out "the approval of", and insert "a standard code approved by."

The amendment was agreed to.

The next amendment was, on page 13, line 13, after the words "concurrence of the" to insert "Commissioner."

The amendment was agreed to.

The next amendment was, on page 13, line 14, after the word "Roads", to strike out "Administration; and the Commissioner of Public Roads is hereby directed to concur only in such installations as will promote the safe and efficient utilization of the highways."

The amendment was agreed to.

Mr. BRIDGES. Mr. President, I was absent in the cloakroom a moment ago when action was taken on the so-called McClellan amendment. I am told that it was agreed to before my return to the floor, and that there was no opportunity to request a yeas-and-nays vote on the amendment, that action on it was taken very quickly.

Therefore, I ask unanimous consent that the Senate reconsider the vote by which the amendment was agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. McCLELLAN. Mr. President, reserving the right to object, let me say that we have been debating this matter for some time. I do not have any particular objection, if some Senator desires to have further debate on it.

Mr. BRIDGES. I wish to be heard on it.

The PRESIDING OFFICER. Is there objection to the unanimous-consent re-

quest of the Senator from New Hampshire? The Chair hears none; and, without objection, the vote by which the committee amendment beginning in line 24 on page 7 and extending through page 8 and through lines 1 and 2, on page 9, was agreed to is reconsidered, and the amendment is before the Senate.

Mr. BRIDGES. Mr. President, I wish to say that this particular amendment, it seems to me, establishes a bad precedent. We insert in the bill a provision for a 50-50 matching of funds, as between the Federal Government and the States. Then, when we proceed to include this particular amendment, we automatically kill the theory of the 50-50 matching amendment. I think we are getting into a type of legislation which will have an extremely bad reaction as a precedent to be followed during this time of critical necessity, and I believe we will rue the day when we adopted it.

Therefore, Mr. President, I hope the amendment will be rejected.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment beginning in line 24 on page 7.

Mr. BRIDGES. On this question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WHITE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Alken	George	Reed
Andrews	Gillette	Revercomb
Austin	Hatch	Reynolds
Ball	Hayden	Robertson
Bankhead	Hill	Russell
Barkley	Jackson	Scrugham
Brewster	Johnson, Calif.	Shipstead
Bridges	Johnson, Colo.	Stewart
Buck	Kilgore	Thomas, Okla.
Burton	Langer	Thomas, Utah
Bushfield	McCarran	Tunnell
Byrd	McClellan	Vandenberg
Capper	McKellar	Walsh, N. J.
Caraway	Maloney	Weeks
Chavez	Maybank	Wherry
Clark, Mo.	Mead	White
Connally	Millikin	Wiley
Cordon	O'Daniel	Willis
Danaher	O'Mahoney	
Ferguson	Radcliffe	

Mr. WHERRY. The Senator from Illinois [Mr. BROOKS], the Senator from Nebraska [Mr. BUTLER], the Senator from New Jersey [Mr. HAWKES], the Senator from Oregon [Mr. HOLMAN], the Senator from North Dakota [Mr. NYE], the Senator from Ohio [Mr. TAFT], the Senator from Idaho [Mr. THOMAS], and the Senator from Iowa [Mr. WILSON] are necessarily absent.

The Senator from New Hampshire [Mr. TOBEY] is absent on official business.

The PRESIDING OFFICER. Fifty-eight Senators having answered to their names, a quorum is present.

Mr. BURTON. Mr. President, what is the question before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 7, beginning with line 24 and extending through line 2 on page 9, as amended. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. FERGUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FERGUSON. The only amendment which has been made to the committee amendment was on page 8, line 5, to strike out "90" and insert "100."

The PRESIDING OFFICER. That is correct.

Mr. FERGUSON. And a "nay" vote would be to strike out the entire amendment?

The PRESIDING OFFICER. That is correct. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED (when his name was called). I have a general pair with the senior Senator from New York [Mr. WAGNER]. On this vote I transfer my pair to the senior Senator from Nebraska [Mr. BUTLER] who would vote as I am about to vote. I am therefore free to vote. I vote "nay."

Mr. STEWART (when his name was called). I have a pair with the senior Senator from Oregon [Mr. HOLMAN]. I transfer that pair to the senior Senator from Mississippi [Mr. BILBO], and will vote. I vote "yea."

The roll call was concluded.

Mr. HAYDEN (after having voted in the affirmative). I have a pair with the senior Senator from North Dakota [Mr. NYE]. I transfer the pair to the junior Senator from Mississippi [Mr. EASTLAND], and allow my vote to stand.

Mr. HILL. I announce that the Senator from Mississippi [Mr. BILBO], the Senator from Washington [Mr. BONE], and the Senator from Virginia [Mr. GLASS] are absent from the Senate because of illness.

The Senator from North Carolina [Mr. BAILEY], the Senator from Kentucky [Mr. CHANDLER], the Senator from Idaho [Mr. CLARK], the Senators from Rhode Island [Mr. GERRY and Mr. GREEN], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], the Senator from South Carolina [Mr. SMITH], and the Senator from Montana [Mr. WHEELER] are necessarily absent.

The Senator from California [Mr. DOWNEY], the Senator from Illinois [Mr. LUCAS], the Senator from Arizona [Mr. McFARLAND], the Senator from Utah [Mr. MURDOCK], the Senator from Montana [Mr. MURRAY], the Senator from Louisiana [Mr. OVERTON], the Senator from Florida [Mr. PEPPER], the Senator from Missouri [Mr. TRUMAN], the Senator from Maryland [Mr. TYDINGS], the Senator from New York [Mr. WAGNER], the Senator from Washington [Mr. WALLGREN], and the Senator from Massachusetts [Mr. WALSH] are detained on public business.

The Senator from Wisconsin [Mr. LA FOLLETTE] is necessarily absent.

Mr. WHERRY. I announce the necessary absence of the Senator from Pennsylvania [Mr. DAVIS] on official business. He has a pair with the Senator from Kentucky [Mr. CHANDLER].

The Senator from New Hampshire [Mr. TOBEY] is absent on official business.

The following Senators are necessarily absent:

The Senator from Illinois [Mr. Brooks], the Senator from Nebraska [Mr. Butler], the Senator from South Dakota [Mr. Gurney], the Senator from New Jersey [Mr. Hawkes], the Senator from Oregon [Mr. Holman], the Senator from Oklahoma [Mr. Moore], the Senator from North Dakota [Mr. Nye], the Senator from Ohio [Mr. Taft], the Senator from Idaho [Mr. Thomas], and the Senator from Iowa [Mr. Wilson].

The result was announced—yeas 30, nays 28, as follows:

YEAS—30

Alken	Hatch	Mead
Andrews	Hayden	O'Mahoney
Bankhead	Hill	Radcliffe
Barkley	Jackson	Reynolds
Caraway	Johnson, Colo.	Russell
Chavez	Kilgore	Scruggs
Connally	Langer	Stewart
Cordon	McCarran	Thomas, Okla.
George	McClellan	Thomas, Utah
Gillette	McKellar	Tunnell

NAYS—28

Austin	Danaher	Shipstead
Ball	Ferguson	Vandenberg
Brewster	Johnson, Calif.	Walsh, N. J.
Bridges	Maloney	Weeks
Buck	Maybank	Wherry
Burton	Millikin	White
Bushfield	O'Daniel	Wiley
Hyrd	Reed	Willis
Capper	Revercomb	
Clark, Mo.	Robertson	

NOT VOTING—38

Bailey	Green	Pepper
Bilbo	Guffey	Smith
Bone	Gurney	Taft
Brooks	Hawkes	Thomas, Idaho
Butler	Holman	Tobey
Chandler	La Follette	Truman
Clark, Idaho	Lucas	Tydings
Davis	McFarland	Wagner
Downey	Moore	Wallgren
Eastland	Murdock	Walsh, Mass.
Ellender	Murray	Wheeler
Gerry	Nye	Wilson
Glass	Overton	

So the amendment as amended was agreed to.

Mr. CONNALLY. Mr. President, I offer an amendment which I will ask to have stated at the desk. This identical amendment was adopted by the Senate in 1940 as an amendment to the highway bill, and I understand there is no objection to it.

The VICE PRESIDENT. The amendment will be stated.

Mr. MAYBANK. Mr. President, I wish to move to reconsider the last yeas-and-nay vote which was taken.

The VICE PRESIDENT. The Senator from Texas has the floor.

Mr. MAYBANK. I move to reconsider the vote which was just taken.

Mr. McCLELLAN. I move to lay that motion on the table.

Mr. CONNALLY. Mr. President, I yield if there is to be no debate.

Mr. MAYBANK. I merely move to reconsider the vote just taken on the amendment of the Senator from Arkansas [Mr. McClellan].

Mr. McCLELLAN. I move to lay that motion on the table.

Mr. BRIDGES. I ask for the yeas and nays on the motion.

The VICE PRESIDENT. The Senator from South Carolina, not having voted on the prevailing side, does not have the right to make the motion.

Mr. CONNALLY. Mr. President, under the circumstances I think I shall refuse to yield further. I ask that the amendment offered by me be stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 13, after line 17, it is proposed to insert the following:

SEC. 13. The term "highway" as defined by the Federal Highway Act shall not be deemed to include any bridges hereafter to be constructed if located within 5 miles of an existing toll bridge, unless a reasonable offer is made to acquire the facilities of such toll bridge and such offer has not been accepted, and unless a finding as to the reasonableness of said offer, the failure of acceptance and the percentage of amortization of such toll bridge has been made after public hearing by the Federal Works Administrator: *Provided*, That such finding by the Federal Works Administrator shall not be subject to review.

Mr. HAYDEN. Mr. President, the text of that amendment is identical with the text of an amendment offered by the late Senator from Texas, Mr. Sheppard, when the Senate last had the highway bill under consideration. The amendment was considered by the committee at that time and recommended. So far as I am concerned, I am willing to take the amendment to conference.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Texas.

The amendment was agreed to.

Mr. VANDENBERG. Mr. President, earlier in the afternoon an amendment on page 2, after line 5, was adopted, with very few Senators present, and the action was taken by voice vote. I refer to the amendment which eliminates the cost of rights-of-way from the urban program which is contemplated by the pending bill. The able junior Senator from Michigan [Mr. Ferguson] fully presented the case. I simply assert that in my own view there is little or no sense in providing for an urban program except that the costs of rights-of-way may be included.

I do not want to reargue the question, but, in view of the very great importance of the matter to the larger cities of the country—and I am thinking in particular of the instance of Detroit at the moment—I am going to take the liberty of asking unanimous consent to reconsider the vote by which the amendment was adopted, simply for the purpose of asking for a yeas-and-nay vote in respect to action upon it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan?

Mr. RUSSELL. Mr. President, I do not object to having a yeas-and-nay vote and having the matter decided, but it seems to me that we might take the record vote on the motion to reconsider and arrive at the same conclusion.

Mr. VANDENBERG. I am perfectly willing to proceed in that fashion.

Mr. RUSSELL. Mr. President, I wish to say a few words on the question involved.

This matter has been considered by the committee, and the committee has recommended that the authorization for

the use of Federal funds to purchase rights-of-way be eliminated from the bill. I think the committee's action was wise. I do not wish to belabor the question, but I do desire to point out again, Mr. President, that in all Federal aid legislation up to this good hour it has been required of the sponsor of the project and the beneficiary of the Federal funds that such sponsor acquire the rights-of-way. There is a very substantial reason for this. We all know that the local community, the county or the city, can acquire a right-of-way, when it appeals to the civic obligation of the owner, for one-half of what it will cost the Federal Government.

If we open up the question of rights-of-way, and provide that the Federal Treasury shall bear the costs of the acquisition, we will be opening up a Pandora's box which will plague us in the future, and will cost millions of dollars, which will be expended unnecessarily in the years to come.

We have required the States and the local communities to acquire the lands before we would build airfields, and we should properly have done so, because they can get the land for much less than the Federal Government can buy it. We have always required all sponsors under public works projects to finance the cost of the acquisition of the land, and since the creation of the Bureau of Public Roads that has been required before the Federal Government would contribute Federal funds for the improvement of highways.

As practical men, we all know that if we go into condemnation proceedings, and a county has to pay for land, the jurors are going to scrutinize the case with great care. Go into a city condemnation, and if the city taxpayers have to pay for the land, they will return a verdict of less than what they will give if they know that the Federal Government is contributing to the acquisition of land. In such a case the defendant will be urging that the land is worth \$300, and the plaintiff will say it is worth a hundred. The defendant's attorney will say, "Why, of course, this land is worth \$300. Did not the Federal Government take cognizance of the value of all these lands by appropriating \$125,000,000, which can be expended here to buy these rights-of-way?" There will be but one verdict in the case. The jurors will return a verdict for just what the individual fixes as the value of his land, if we are to let the Federal Government go into the business of acquiring rights-of-way, in addition to building the roads.

In my opinion the cities come with very poor grace asking the Federal Government to buy buildings and to buy lands for the building of public streets through the cities of this Nation. I have heard the argument about the cities contributing to the gas taxes, but as I undertook to point out when this matter was up a few minutes ago, the cities are the ones who benefit from the building of the highways wherever they are built. It is something new to give the cities \$125,-

000,000 out of Federal funds for the building of streets. If the motion shall prevail, we will not only give them \$125,000,000 for the building of streets, but we will provide that the Federal Government is going to buy the streets and then pay for building them. We have never done this in the past for any county, we have never done it in the past in all the Federal-aid system, but the cities are coming in and not only demanding \$125,000,000, to which I do not think they are entitled, but are saying that the Federal Government should buy the lands for the streets of the cities.

Mr. McKELLAR. Mr. President, the argument was made a little earlier in the afternoon that the \$125,000,000 will not be used. Let me say that, in my judgment, if this \$125,000,000 appropriated by the Government should not be used, it would be about the first appropriation ever made by the Government that was not used. It will be used. In my judgment, every dollar of it will be used, and will be used for a good purpose, under the terms of the bill.

Mr. RUSSELL. Certainly we do not wish now to deviate from a policy to which we have adhered strictly in every public-works program we have ever had; that is, requiring the sponsors of a project to acquire the necessary lands.

The cities should be well satisfied with this \$125,000,000 to pave city streets, because it is the first time we have ever made an appropriation for this purpose, without asking Congress to pay for all the damages to the properties adjacent to the rights-of-way and also acquire the lands for the rights-of-ways.

The VICE PRESIDENT. The Chair would ask the Senator from Michigan whether his motion to reconsider included only the amendment on line 4, or whether he included also that amendment on lines 5 and 6.

Mr. VANDENBERG. I take it we can have a test vote. I have moved to reconsider, and I ask for the yeas and nays. The yeas and nays were ordered.

Mr. FERGUSON. Mr. President, I should like to say a few words on this particular amendment. It is the opinion of the highway department that if we do not include, insofar as the urban districts are concerned, a part of the cost of the rights-of-way—and the pending bill, if the test vote shall be taken and this provision is allowed to remain in, would provide for payment up to 50 percent—we will to a great extent nullify the appropriation to the large urban areas.

I should like here to read the definition of the term "urban area," because this is what it would mean in relation to such an area:

The term "urban area" means an area including and adjacent to a municipality or other urban place, of 5,000 or more, as shown by the latest available Federal census. The boundaries of urban areas, as defined herein, will be fixed by the State highway department of each State subject to the approval of the Public Roads Administration.

I wish to return to the proposition of who is to pay the \$450,000,000 we are now proposing to appropriate. It is said we are now collecting from the automo-

bile owners and the users of automobiles \$550,000,000 a year. The large urban centers, where the proposed law is to apply, are paying a great amount of the \$650,000,000, and if we do not pay for the costs of the rights-of-way, then, so far as the urban areas are concerned, we are not paying on a 50-50 basis, because as part of the cost of a highway a great sum is always necessary for condemnation and widening, and the necessary and limited access, let us call it, to the highway that is essential. So it comes down to this, that, so far as the urban areas are concerned, Congress is to say to them, "You put up 20 to 90 percent and we will put up 10 to 20 percent," but we come to the rural sections, we say, "We will put up 50 or 55 percent if any widening is necessary." The amount is so small that it does not enter into the actual cost of the highway.

Again I say that to be fair with the urban areas, which are helping to pay for this large road construction, we should change this and should provide that 50 percent of the cost of condemnation shall be paid by the Federal Government. Then we would be doing something for the large urban areas, which have supported the war effort, and worn out their roads so that America might be defended.

Mr. SHIPSTEAD. If the Senator will yield, does he mean that this amendment would involve an additional 50 percent on the urban areas?

Mr. FERGUSON. No; it would merely come out of the \$125,000,000 that is appropriated.

Mr. SHIPSTEAD. For what?

Mr. FERGUSON. For urban areas. In the bill \$125,000,000 per annum is appropriated for urban areas, which I have described.

Mr. SHIPSTEAD. For the purposes the Senator has outlined?

Mr. FERGUSON. Yes. If we took out the rights-of-way, provided that no part of the money could be used for rights-of-way, then we would be saying to the cities, "You can only use it for paving purposes, or building up roads," and the States which desire to put these roads through the city would say, "We cannot put up the money for condemnation, and therefore we cannot use the appropriation."

Mr. SHIPSTEAD. By force of circumstances the cities, the large urban centers, have had the greatest share of all this Federal-State fund program, because they have had the most roads, and the country district roads and the rural mail routes have been very much neglected.

Mr. FERGUSON. Up until today the cities have had no part of this appropriation.

Mr. SHIPSTEAD. But they have had it in their approaches.

Mr. FERGUSON. It must be outside the corporate limits.

Mr. SHIPSTEAD. Perhaps it has been.

Mr. FERGUSON. But here we are giving to the rural areas, which I very much favor, \$125,000,000, which matches what is done for the urban areas.

Mr. SHIPSTEAD. The Senator means to say that the regular fund of 50-50 is not disturbed by this provision.

Mr. FERGUSON. That is true.

Mr. BUSHFIELD. Mr. President, during the debate this afternoon I asked the question of the Senator from Arizona [Mr. HAYDEN] upon what highways or streets this \$125,000,000 could be used. The Senator answered, "Only on the Federal-aid highways which now run through the cities," or so I understood him to say. I suppose that also includes new highways which might be run through a city. At the present time every large city in the United States has Federal highways running through it. The Government has taken part in the building of all those highways to a certain width. I am wondering now what this \$125,000,000 is going to be used for in urban areas? Most of the highways there are already built. Are we going to pave the whole width of the streets in those cities?

In that connection, Mr. President, I read last night a survey made of the great State of Michigan, and the city of Detroit, which 10 years ago spent about \$60,000,000, as I recall, for its streets and city lighting; last year spent \$5,000,000; and I have been wondering how Detroit would keep up its streets if someone did not provide help.

Mr. RUSSELL. Mr. President, I understood the Senator from Michigan [Mr. FERGUSON] to say that this related only to the purchase of rights-of-way in the cities. Am I correct in my understanding?

Mr. FERGUSON. No.

Mr. RUSSELL. I wish to point out that if Senators vote "yea" to reconsider the vote by which the amendment on page 2 was agreed to, they not only place the Federal Government in the business of buying rights-of-way in the cities, but they place the Government in the business of buying rights-of-way for rural roads. I do not think the Senate wants to do that, because it is an absolute reversal of the policy we have always adhered to. If Senators vote to reconsider, it means that Senators vote for Federal funds to be used to acquire rights-of-way on all the other Federal-aid projects. It will be necessary to adopt the same rule to the airfields and to all Federal projects. In my opinion it will result in an absolutely unnecessary waste of Federal funds.

Mr. MAYBANK. Mr. President, I ask unanimous consent to have printed in the Record at this point, in connection with the various discussions which have just taken place, a telegram which I received today from J. S. Williamson, chief highway commissioner of South Carolina, which in short sets forth South Carolina's financial status in connection with the pending issue.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

COLUMBIA, S. C., September 15, 1944.
Senator BURNET R. MAYBANK,
United States Senate:

Understand S. 2105 up for consideration in Senate today. Please use your influence toward getting this bill passed without reducing the amount. South Carolina can match its portion.

J. S. WILLIAMSON,
Chief Highway Commissioner.

Mr. FERGUSON. Mr. President, I have in mind that if the motion to reconsider the vote by which the amendment was agreed to should prevail, and if the Senate were then to allow the provision with respect to cost of rights-of-way to remain in the bill, I shall offer an amendment, on page 2, line 4, after the words "cost of rights-of-way" to insert "in urban areas", and then in line 6, after the words "include costs of rights-of-way", to insert the words "except in urban areas", which answers the question asked by the Senator from Georgia [Mr. RUSSELL].

Mr. RUSSELL. Mr. President, it does answer the question, but it certainly does not remove my objection. I would prefer to have the provision apply to all items rather than to confine it to urban areas. Certainly I am not going to agree to a proposal which would in effect say to our counties, "We will not give you a dime to apply on the cost of rights-of-way, but we will give the city of Detroit \$12,000,000 with which to buy rights-of-way."

Mr. FERGUSON. I am glad to hear the Senator say that it is his judgment that if this provision should apply to any it should apply to all.

Mr. BUCK. Mr. President, in support of the contention made by the Senator from Georgia [Mr. RUSSELL] that to provide Federal funds for the purchase of rights-of-way will lead to excessive costs, I should like to read from the Record of yesterday some figures with respect to the purchase of rights-of-way for the Pentagon Building. For one property assessed at \$8,200 the Government paid \$41,000. For another property assessed at \$32,680 the Government paid \$225,000. For another property assessed at \$26,000 the Government paid \$216,000. Getting down into smaller figures, we find one assessed at \$7,900 for which the Congress paid \$31,500. And so it goes all through the list. I think that bears out the Senator's contention very well.

Mr. RUSSELL. I thank the Senator from Delaware for bringing that out, and if Senators wish to multiply that expense by three hundred or four hundred times all over the United States, then Senators should vote to reconsider the vote by which the amendment was agreed to, and include the deleted language in the bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Michigan [Mr. VANDENBERG] to reconsider the vote by which the committee amendment in the first paragraph on page 2 was agreed to. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEWART (when his name was called). Making the same announcement as before, I will vote. I vote "nay." The roll call was concluded.

Mr. HAYDEN. I have a general pair with the senior Senator from North Dakota [Mr. NYE]. I transfer that pair to the junior Senator from Mississippi [Mr. EASTLAND], and will vote. I vote "nay."

Mr. HILL. I announce that the Sena-

tor from Mississippi [Mr. BILBO], the Senator from Washington [Mr. BONE], and the Senator from Virginia [Mr. GLASS] are absent from the Senate because of illness.

The Senator from North Carolina [Mr. BAILEY], the Senator from Missouri [Mr. CLARK], the Senator from Kentucky [Mr. CHANDLER], the Senator from Idaho [Mr. CLARK], the Senators from Rhode Island [Mr. GERRY and Mr. GREEN], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], the Senator from Nevada [Mr. SCRUGHAM], the Senator from South Carolina [Mr. SMITH], and the Senator from Montana [Mr. WHEELER] are necessarily absent.

The Senator from California [Mr. DOWNEY], the Senator from Illinois [Mr. LUCAS], the Senator from Arizona [Mr. MCFARLAND], the Senator from Utah [Mr. MURDOCK], the Senator from Montana [Mr. MURRAY], the Senator from Louisiana [Mr. OVERTON], the Senator from Florida [Mr. PEPPER], the Senator from Missouri [Mr. TRUMAN], the Senator from Maryland [Mr. TYDINGS], the Senator from New York [Mr. WAGNER], the Senator from Washington [Mr. WALLGREN], and the Senator from Massachusetts [Mr. WALSH] are detained on public business.

The Senator from Wisconsin [Mr. LA FOLLETTE] is necessarily absent.

Mr. WHERRY. I announce the necessary absence of the Senator from Pennsylvania [Mr. DAVIS] on official business. He has a pair with the Senator from Kentucky [Mr. CHANDLER].

The Senator from New Hampshire [Mr. TOBEY] is absent on official business.

The following Senators are necessarily absent;

The Senator from Illinois [Mr. BROOKS], the Senator from Nebraska [Mr. BUTLER], the Senator from South Dakota [Mr. GURNEY], the Senator from New Jersey [Mr. HAWKES], the Senator from Oregon [Mr. HOLMAN], the Senator from Oklahoma [Mr. MOORE], the Senator from North Dakota [Mr. NYE], the Senator from Ohio [Mr. TAFT], the Senator from Idaho [Mr. THOMAS], and the Senator from Iowa [Mr. WILSON].

The Senator from Nebraska [Mr. BUTLER] would vote "nay," if present.

The result was announced—yeas 8, nays 47, as follows:

YEAS—8

Bridges	Langer	Weeks
Cordon	Reed	White
Ferguson	Vandenberg	

NAYS—47

Aiken	George	O'Daniel
Andrews	Gillette	O'Mahoney
Austin	Hatch	Radcliffe
Ball	Hayden	Revercomb
Bankhead	Hill	Reynolds
Barkley	Jackson	Robertson
Brewster	Johnson, Calif.	Russell
Buck	Johnson, Colo.	Stewart
Burton	Kilgore	Thomas, Okla.
Bushfield	McCarran	Thomas, Utah
Byrd	McClellan	Tunnell
Capper	McKellar	Walsh, N. J.
Caraway	Maloney	Wherry
Chavez	Maybank	Wiley
Connally	Mead	Willis
Danaher	Millikin	

NOT VOTING—41

Bailey	Green	Scrugham
Bilbo	Guffey	Shipstead
Bone	Gurney	Smith
Brooks	Hawkes	Taft
Butler	Holman	Thomas, Idaho
Chandler	La Follette	Tobey
Clark, Idaho	Lucas	Truman
Clark, Mo.	McFarland	Tydings
Davis	Moore	Wagner
Downey	Murdock	Wallgren
Eastland	Murray	Walsh, Mass.
Ellender	Nye	Wheeler
Gerry	Overtton	Wilson
Glass	Pepper	

So Mr. VANDENBERG's motion to reconsider was rejected.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment.

Mr. BUSHFIELD. Mr. President, I offer an amendment on page 4, in subsection (b), line 11, after the word "population" to insert "Provided, That such secondary roads shall be constructed under plans and specifications approved by the highway department, in cooperation with the county supervisors, county commissioners, or other appropriate, local road officials for each particular State."

Mr. President, the bill proposes to appropriate \$125,000,000 for secondary roads. In many States no secondary roads have been built, for the sole reason that farm-to-market roads of the high type of construction demanded by the Public Roads Administration cannot be built, and our State has never built any of them. Many other States are in the same situation.

I wish to pay my respects to the very distinguished and able Senator from Tennessee [Mr. MCKELLAR], who commented upon this matter a little while ago. I love him like a father, and I like to agree with him in most of the things he proposes. In fact, I love every hair of his clever head.

Mr. MCKELLAR. Mr. President, what did the Senator say?

Mr. BUSHFIELD. I said that I love every hair of the Senator's clever head.

Mr. MCKELLAR. I thank the Senator. I am very glad I asked the question.

Mr. BUSHFIELD. I said some other things.

Mr. MCKELLAR. Of course the Senator did not mean the other things. [Laughter].

Mr. BUSHFIELD. Mr. President, the opinion has been stated on this floor that I am proposing to take away from the Public Roads Administration jurisdiction or supervision over Federal appropriations for highways. I intend nothing of the kind; I had no such thought in mind, and I do not believe the language of this amendment, which is a combination of my amendment and the one submitted by the junior Senator from Tennessee [Mr. STEWART] can be so construed. I invite the attention of the Senate to the fact that the provision of the amendment is that secondary roads shall be constructed under plans and specifications approved by the State highway departments, county commissioners, or other local road officials. That refers only to the preparation of the plans. It does not refer to the expenditure of the money. The Federal Public Roads Administration can still supervise the con-

struction of the roads, and approve or reject them as it sees fit; but they must be constructed under plans prepared and approved by local agencies. The reason for that is that the people in the various States do not all want the same kind of roads. My people, living upon the farms of South Dakota, are satisfied at the present time with gravel roads from their farms to markets. Only in the urban areas are hard-surfaced roads demanded. We do not need them. We want all-weather roads, and I believe that we should have the right to decide that question for ourselves, without the Public Roads Administration dictating to us that we must have roads built according to the specifications for State highways, which require a 100-foot right-of-way and a 30-foot strip of completed highway with a hard surface upon it, either oil or concrete. We do not want that type of road for our farmers. We want a road over which we can get through the mud. Therefore I urge that the combination of the amendment of the Senator from Tennessee [Mr. STEWART] and my amendment be adopted.

Mr. STEWART. Mr. President, I should like to add a word to what the Senator from South Dakota has said with respect to the amendment which he has offered.

It is not my purpose to take anything away from the Public Roads Administration. I believe that it has done a great job. It is doing excellent work, and I believe that its personnel is entirely high class. However, the Senator from South Dakota and I are trying to emphasize the need for farm-to-market roads at reasonable cost. I introduced a bill on this subject in November of last year, a rather comprehensive bill, which had the approval of several county highway organizations, and I believe also of the National Road Builders' Association, or the county division of that association. I have had approving letters with respect to it from numerous States, and county highway departments of various States.

I do not believe that the amendment would take away from the Public Roads Administration any authority in connection with the construction of roads. I presume that it could refuse to contribute its part on any reasonable ground which might be presented. However, I am told by the county highway authorities interested in the construction of that type of cheap road that in the past it has been impossible to build farm-to-market roads because the requirements and specifications of the Public Roads Administration have been entirely too high, and have made the cost prohibitive.

That is the practical situation with which we are confronted. As I view the question, it is a practical matter. There is no personal feeling against the Public Roads Administration, or against any individual. I wish to see a permanent type of farm-to-market road built, if it is possible to build it on a cheap basis. I think it is a responsibility which the Congress owes to the farmers of the Nation to make it possible for them to bring their products to market. I am in favor of this amendment because I think it is fair. Certainly there is no purpose, on the part

of either the Senator from South Dakota or myself, to take away from the contributing authority, the Federal Government, any right it may have in connection with the construction of roads, except with relation to the question of specifications.

I think that the community which seeks to have the road constructed, and which also would contribute a portion of the cost, should be permitted to specify the type of road it desires to have built and the amount of money it is willing to contribute to the cost of the road. I think that is a practical proposition.

Mr. HAYDEN. Mr. President, I regret that I cannot see my way clear to accept the amendment. Federal money is involved. A road which is built according to specifications which result in the construction of a road which is worth the money and which will last long enough to pay out the investment in the course of its use is a well-designed road, and should be built that way. No one would insist that a farm-to-market road or other secondary road should be built with a base similar to that required for a road carrying heavy traffic. But no one would agree to have such a road be merely a dirt road.

I took up with Mr. MacDonald, the Commissioner of Public Roads, the charge that it was the fault of the Public Roads Administration that heretofore it has been impossible to obtain what are termed reasonable specifications. I have received from Mr. MacDonald a letter which I shall read into the Record. I think it is well to have this discussion, regardless of whether the amendment is agreed to, because now, for the first time, we have a substantial amount, namely, \$125,000,000, which is proposed to be appropriated for this particular purpose. Heretofore the amount of money has been very small, and the funds have been scattered among all the States. I think the cause of the difficulty has been, not the fact that the money has come from Washington, but the fact that the State highway departments have not wished to bother to change their specifications.

The letter I have received from Mr. MacDonald, and which I wish to read to the Senate, is as follows:

FEDERAL WORKS AGENCY,
PUBLIC ROADS ADMINISTRATION,
Washington, September 9, 1944.

HON. CARL HAYDEN,
United States Senate.

MY DEAR SENATOR HAYDEN: You recently advised me that representations had reached you that the Public Roads Administration had required unreasonable or unnecessary construction on secondary roads.

These are absolute misrepresentations. The specific requirements on individual projects, in the past, have been left very largely for the determination of the States in cooperation with our field engineers. The types constructed have ranged from graded roads with sand-clay, gravel, or other local surfacing material, up to higher types.

On the limited mileage of important secondary roads thus far constructed under Federal aid secondary appropriations we issued instructions that the design requirements for alignment and grade should be consistent with the topography and the purpose to be served by the improvement; with

due regard to the cost of the work, the amount and kind of traffic to be handled, and to the cost of yearly maintenance. The minimum graded width out to out of shoulders has varied from 20 to 26 feet.

Abbreviated plans have been accepted when the character of the improvement has so warranted, the governing requirement being that they be in sufficient detail to show the quantity and kind of work involved.

The enclosed references to memoranda will give you more detailed information on the very general guiding instructions issued in 1937, 1939, and 1940.

Very truly yours,

THOS. H. MACDONALD,
Commissioner of Public Roads.

Mr. President, I ask unanimous consent to have the data referred to in the letter printed in the Record.

There being no objection, the data were ordered to be printed in the Record, as follows:

MAY 17, 1940.

General Administrative Memorandum No. 102 (superseding General Administrative Memorandum No. 66).

Subject: Width and capacity of bridges on Federal-aid secondary highway projects.

To facilitate the planning of Federal-aid secondary highway projects and to avoid possible delay as a result of lack of agreement between the several States and field representatives of Public Roads regarding acceptable roadway width and capacity of (1) new bridges, (2) existing bridges which are to be reconstructed, and (3) bridges to be retained in place, all within the limits of proposed secondary projects, it is desirable to outline a policy on these subjects.

The speed of traffic on secondary highways is determined largely by the character of the highway alignment and the width and type of the roadway surface, and under favorable conditions may be fully as great as the speed of traffic on main highways. While traffic safety is dependent upon a number of factors, bridges that are inadequate as to strength for prospective loads and as to width for the speed and character of traffic served, constitute definite hazards.

The following policy shall obtain for bridges on secondary or feeder roads:

1. New bridges: Roadway width: Preferably not less than 24 feet between curbs for highway design speeds in excess of 30 miles per hour and for maximum traffic densities in excess of 30 vehicles per hour. Minimum acceptable width for these highway classifications, 22 feet between curbs. For highway design speeds of 30 miles per hour or less and for maximum traffic densities less than 30 vehicles per hour, minimum acceptable width 20 feet between curbs. Single lane bridges will be considered only under exceptional conditions when the maximum expected traffic density is in the neighborhood of 5 vehicles per hour. Capacity: Preferably not less than H 15 loading; Minimum acceptable not less than H 10 loading on roads not expected to be subject to heavy loads.

2. Existing bridges which are to be reconstructed with Federal aid: Same requirements as for new bridges.

3. Bridges to be retained in place: Existing bridges of lesser width than indicated for new bridges for the respective highway classifications that have an anticipated life of a number of years and a load-carrying capacity of not less than 6 tons, or strengthened to this capacity without Federal funds may be retained in place, provided they are posted for the indicated load limits and that the highway alignment approaching such bridges affords visibility of approach conditions for a sufficient distance to permit the stopping of vehicles at the speed at which the road ordinarily will be used and that reflectorized buttons are installed at the ends of bridges of less

than 20-foot roadway in addition to advance reflectorized signs to warn traffic of the approach to such bridges. Federal funds may not be used for the strengthening of any existing bridge having a roadway width less than would be acceptable for reconstruction.

THOS. H. MACDONALD,
Commissioner.

STANDARDS FOR FEDERAL-AID SECONDARY HIGHWAY IMPROVEMENTS WHICH HAVE BEEN ISSUED BY THE PUBLIC ROADS ADMINISTRATION

Under date of February 12, 1937, a memorandum was issued to district engineers which includes the following provisions concerning design requirements:

"The design requirements for alinement and grade for secondary or feeder roads shall be consistent with the topography and the purpose to be served by the improvement. The minimum graded width of roadbed from out to out of shoulders shall be not less than 26 feet in easy topography; not less than 24 feet in rolling topography; and not less than 20 feet in mountainous topography, with a greater width than the 20-foot minimum on through fills. Where roadbed slopes are flattened to 3 or 4 to 1 the minimum graded width in easy topography may be reduced to 24 feet. Abbreviated plans may be accepted when the character of the improvement warrants, provided they are in sufficient detail to show the quantity and kind of work involved."

The following is quoted from the regulations approved by the Secretary of Agriculture January 13, 1939, section 11.3, paragraph (c):

"No projects shall be undertaken which do not provide for a surfacing or stabilization of the roadbed which shall be reasonably satisfactory for the traffic served. Grading and drainage as first stage construction may be accepted: *Provided*, The State Highway Department will enter into a satisfactory agreement for future surfacing or stabilization of the road bed."

Under date of May 17, 1940, General Administrative Memorandum No. 102 was issued on the subject Width and Capacity of Bridges on Federal-Aid Secondary Projects.

Mr. HAYDEN. Mr. President, I do not think we will have any trouble about this matter. I think it was based on a situation in which a small amount of money was available, and in which the State highway departments have said that it did not amount to anything, and that they would approve their own specifications for some important secondary roads.

This is the first time we have gotten down to providing a considerable sum of money for the farm-to-market roads. Under the supervision of Mr. MacDonald, I think the money will be handled wisely. However, I do not think it would be wise to provide that specifications which might result in the wasting of Federal funds could be permitted.

Mr. President, I ask for the yeas and nays on the amendment.

Mr. BUSHFIELD. I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota. On this question the yeas and nays have been demanded? Is there a sufficient second?

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota,

[Putting the question.] The noes appear to have it.

Mr. BRIDGES. I ask for a division.

On a division, the amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MALONEY. Mr. President, I desire to offer the following amendment: On page 6, line 7, strike out the period after the word "census" and insert a colon and the following language: "Provided, That Connecticut towns shall be considered municipalities regardless of their incorporated status."

Mr. HAYDEN. Mr. President, there is a peculiar condition in the State of Connecticut with respect to what constitutes a town. It differs from the condition in any other State. I shall be very glad to accept the amendment.

The PRESIDING OFFICER. Is there objection to agreeing to the amendment of the Senator from Connecticut?

Mr. MALONEY. Mr. President, before action is taken on the amendment, I should like to say, because of something which has just happened, that when I originally proposed the amendment, the words "New England" were used rather than the word "Connecticut." In the committee there was objection on the part of two New England States, not to the amendment, but to having those States covered under the amendment, because of a fear that it might confuse things there.

Now it has been suggested to me by the able junior Senator from Vermont [Mr. AIKEN] that he might like to have Vermont included.

Mr. AIKEN. Mr. President, I think Vermont towns have the same status as towns in Connecticut, and I think Vermont towns should also be included. I would feel much better if my colleague the senior Senator from Vermont [Mr. AUSTIN] were here to corroborate that. I admit that I should know at once.

Mr. HAYDEN. Let me say that the committee was told that in Maine great townships are called towns. However, that is a different matter, and the amendment would not apply to the State of Maine.

The junior Senator from Massachusetts [Mr. WEEKS] also objected to it.

Mr. AIKEN. A town in Vermont is a township.

Mr. HAYDEN. That is what makes the trouble. But that is not true in Connecticut.

Mr. AIKEN. Is it true that in Connecticut a town does not include the whole township?

Mr. MALONEY. We have what people in other States might call a rather complicated system.

When the amendment was first proposed, I could not understand how it would do harm to any New England States. It was proposed following consultation between the highway commissioner of my State and the Bureau of the Census in Washington.

I would respectfully suggest to the Senator from Vermont that he ask that Vermont be included under the amendment. I would be willing to accept such

a modification of my amendment. Then, if it is subsequently found that Vermont should not be included, the name of Vermont could be removed from the amendment in conference, if there is a conference.

Mr. HAYDEN. That will be satisfactory.

Mr. AIKEN. Mr. President, I am very grateful to the Senator from Connecticut for his suggestion. I think the amendment should be applicable to Vermont, but I am not sure. Therefore, I ask that Vermont be included, with the right to request that it not be included, when the matter is in conference, if it is found that it should not be included.

Mr. MALONEY. Mr. President, I so change my amendment.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment of the Senator from Connecticut.

The amendment as modified was agreed to.

Mr. DANAHER subsequently said: Mr. President, while amendments offered by my colleague were under consideration I several times sought recognition. I wish particularly to ask unanimous consent that there be inserted in the body of the RECORD at the point where we had under consideration his first amendment, a letter from Governor Baldwin sent to me, transmitting a copy of the Governor's letter to the Senator from Arizona [Mr. HAYDEN], and I ask that it appear in the RECORD at that point.

The PRESIDING OFFICER. Without objection, the letter will be printed in the body of the RECORD at the point requested by the Senator from Connecticut.

The letter is as follows:

STATE OF CONNECTICUT,
EXECUTIVE CHAMBERS,
Hartford, September 11, 1944.

HON. JOHN A. DANAHER,
Senate Office Building,
Washington, D. C.

DEAR SENATOR DANAHER: I am enclosing herewith a copy of a letter which I have written to the Honorable CARL HAYDEN, United States Senator, concerning his bill, S. 2105 regarding post-war highway construction.

Very sincerely yours,
RAYMOND E. BALDWIN,
Governor.

SEPTEMBER 11, 1944.

HON. CARL HAYDEN,
United States Senator,
Washington, D. C.

MY DEAR SENATOR: I am informed that in a conference on September 8 between you and Mr. Edward W. Staves, especially representing Governor Saltonstall of Massachusetts but authorized to speak for Connecticut as well, there was some discussion of the provisions in your bill, S. 2105, as they apply to the "urban" population of Connecticut; and that through Mr. Staves you have invited me to present our situation to you and to suggest a means of meeting it.

Throughout New England there is a strong tendency for us to cling to the "town" as the active elementary unit of government. Consequently in all of the New England States there are unincorporated communities which are urban in fact but which maintain the same ancient form of government that exists in towns which are wholly rural. In Massachusetts, and perhaps in other New England States, there are no political subdivisions

within towns—the town is absolutely the basic unit. In these States, it is the practice of the Census Bureau to classify all towns as urban places if their population exceeds 2,000.

Connecticut, however, differs from Massachusetts in that, with us, while the town is prevailingly the basic unit it is not invariably so. We have a comparatively small number of towns within which there have been set up unincorporated boroughs or cities. Because of this incorporation of smaller areas within these towns, the Census Bureau does not consider an unincorporated town in Connecticut as having an urban population unless it has a total population exceeding 2,500 persons and also a population density over the entire area of the town that exceeds 1,000 persons per square mile. Four towns in the State meet both of these requirements and are classed as urban even though they are neither incorporated nor include incorporated areas within their borders.

On the other hand we have within the State 25 towns with populations exceeding 5,000 each and totaling nearly 390,000, most of which population is urban in fact, but which is classed by the Census Bureau as not being urban because the average population density over the entire town areas does not equal 1,000 persons per square mile. Many of these towns—for example, Greenwich with a population of 35,509, Hamden with a population of 23,373, and Manchester with a population of 23,799—are areas that present us with very acute traffic problems. Greenwich is the extreme case. Across that town, which is a bottleneck between New York and New England, it is estimated by the highway department that there will soon be need of the construction of a four-lane or six-lane expressway at a cost of substantially \$10,000,000. In both Hamden and Manchester, and indeed in most of the 25 towns listed, money must be spent in enormous amounts for the relief of urban traffic congestion. If these towns were outside of New England, without doubt the communities in them would have been incorporated. Were they in our neighboring State of Massachusetts, they would be classed as urban regardless of their unincorporated status.

This is a situation which has been discussed by our highway commissioner with Chairman ROBINSON of the House of Representatives Committee on Roads, as it was discussed with you by Mr. STAVES. Apparently it is the intent of neither the House nor the Senate bill to discriminate against us because of the unfortunate peculiarity of our political structure. I understand that both you and Mr. ROBINSON have stated that the language in your bills is designed to meet this situation, and that if it does not meet it, you are eager to correct the deficiency.

Apparently the language does not meet the situation. From a discussion we have had with authorities of the Census Bureau, and from the urban allocation as tabulated on page 3 of your report to the Senate on S. 2105, it appears that the apportionment of urban funds, under existing wording of the bill, will not recognize the nearly 300,000 persons in Connecticut who live in unincorporated towns with populations of 5,000 or more.

Solution of this problem has been discussed informally at considerable length with officials of the Census Bureau. From such discussions we have the understanding that in order to correct the situation, a provision somewhat as follows would have to be added to section 4, paragraph (b), of your bill:

"Provided, That New England towns shall be considered municipalities regardless of their incorporated status."

I hope it will be possible to amend your bill in that way.

Sincerely yours,

R. BALDWIN,
Governor.

Mr. MALONEY. Mr. President, I offer a further amendment: On page 5, line 14, strike out the period after the word "act" and insert a comma and the words "Provided, That no State shall receive less than an apportionment equal to six-tenths of the percentage of the Federal gasoline tax collected in the State, as measured by the total net amount taxed value in Public Roads Administration Statistical Report G-2 for 1941."

Mr. President, I shall at least briefly explain the amendment, although it almost explains itself. I am asking that in this bill a floor shall be placed relative to the allocations made to States. For my State and for three or four other States—not more than four—which would be favorably affected, I ask that we receive, in return for our gasoline-tax money, at least 60 percent of that money.

Mr. HAYDEN. What are the four States, let me ask the Senator?

Mr. MALONEY. As a matter of fact, I am informed that there are a total of five States. It would affect the States of New York, New Jersey, Connecticut, California, and Ohio. I have just obtained that information from the distinguished Senator from New Jersey. New Jersey is very much interested in this amendment. I had been informed that the State of Michigan was favorably affected, Mr. President, and I think that somewhere I have the figures as they were presented to me.

Mr. HAYDEN. Let me suggest that I can understand how it would affect California and I can understand how it would affect New Jersey, because in each of those States there are large oil refineries. The gasoline tax is paid at the source. If there were refineries in the State as there are in New Jersey and California, the amount of the gas tax collected by the Federal Government in the State would be large. The gas may or may not be consumed within the State—using California as an illustration—but distributed in other States. It seems to me that it would be very unfair to allow credit for a tax collected in the State of Virginia upon the sale of cigarettes when cigarettes are smoked all over the United States.

In all other apportionments of money, the amounts have been based on known facts which affected the entire United States. We took as a basis the area of the State, or the population of the State as determined by the census, or the road mileage of the State. I may say that this relates merely to a report made in 1941 called Road Statistical Administration Report G-2. Perhaps report G-2 for 1940 would establish something else, and report G-2 for 1944 would establish still another basis. I do not know what is contained in the report. Under the circumstances, I do not feel that it would be wise for the Senate to agree to the amendment.

Mr. MALONEY. Mr. President, I have my own figures before me at the present time. I cannot be sure they are more accurate than those presented to me by the able Senator from New Jersey. But in answer to the able Senator in charge of the bill, I am able to say that the dif-

ference in the case of California, to which the Senator specifically referred, is in an increase of \$3,450,000. In the case of Massachusetts there would be a favorable difference of \$2,345,000. In the case of New Jersey there would a favorable difference of \$3,802,000. According to my figures the States which I have mentioned are the only ones which would be affected. The State of Connecticut would have an increase of \$1,534,000.

For the purpose of my statement I should like to base my argument upon figures which I have presented myself, rather than upon those handed to me by the Senator from New Jersey. My figures were compiled by the highway commissioner of the State of Connecticut. On the basis of the compilation, it does not seem to me that the facts expressed by the able Senator in charge of the bill are justifiable. It does not seem to me that the refineries would come into the situation.

Mr. President, I have always doubted the wisdom of our procedure with regard to road bills. They have always brought about intense controversy. Those of us who come from the part of the country in which I live have long felt—and as a Member of the House a number of years ago I tried to do something about it—that we have been discriminated against. Argument has been heard here that this proposal is primarily a measure intended to overcome unemployment after the war. It could not come further from such an objective, Mr. President. The dollars allocated for each motor vehicle would, under this bill, give to the State of Nevada, for example, \$331. My State, about which I know the most, would receive \$21. Under the proposal, the dollars per demobilized person would be \$16.50 for the State of Nevada. I use the State of Nevada as an example only because it heads the list. The proposal would provide \$35 per demobilized person for the highly industrialized State of Connecticut, which is actually leading as the Nation's wartime arsenal. On that basis, Mr. President, the bill does not make sense. It is not a bill designed to overcome unemployment after the war. If it were, the situation would be reversed.

Mr. President, while the pending bill would provide approximate justice to the States which I have named, it would not provide complete justice. It would not discriminate harshly against any State; it would not discriminate at all.

I am not asking for complete justice, Mr. President. I am asking only for an approach to fairness. Under my amendment no State would lose very much. The heavily industrialized States, the States with a heavy traffic situation, and the States threatened more than others with serious unemployment after the war, if there is to be unemployment, should be given the small bit of consideration which is proposed by my amendment. I am very hopeful, Mr. President, that the Senate will be willing to accept this mild and modest amendment, which comes a little closer to fairness for the four States which I have mentioned.

I do not know whether the Senator from Arizona has asked me to yield to him.

Mr. HAYDEN. No. I merely suggest that we cannot give money to four or five States without taking it away from all the other States.

Mr. MALONEY. Yes, indeed; and I said that. I would be very glad to tell the Senator what the difference would be. In the Senator's own State of Arizona which would receive an appropriation under this bill of \$6,883,000, the State would lose \$200,000, which is an insignificant amount. That would be comparable to what would happen in the other States. Every Senator is most concerned with regard to his own State, and is interested in its proper protection. However, I cannot believe there are Senators who would wish an extra special consideration to be given their States at the expense of other States. It would require only a small amount from the subsidies of 44 States to bring up to a nearly reasonable amount the funds which would be allocated to the four States which I have mentioned. I can not believe the Senate will reject that kind of an amendment.

Mr. President, on my amendment I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER (Mr. GILLETTE in the chair). The question is on agreeing to the amendment of the Senator from Connecticut.

Mr. MALONEY. Mr. President, I ask for a division.

Mr. CLARK of Missouri. Mr. President, before the vote is taken I wish to make a few observations with respect to the subsidies to which the Senator from Connecticut has referred.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. CLARK of Missouri. I do not have any prejudice against the State of Connecticut. As a matter of fact, my own family lived in Connecticut for four generations before the Revolutionary War. I live in Missouri. I believe the Senator from Connecticut referred to subsidies. I believe the State of Connecticut has had enough in the way of subsidies through the establishment of war production industries to last it for a long time.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. MALONEY. I should like to point out to the Senator from Missouri that the factories and industries to which he has referred were in existence in Connecticut for centuries; that they were not special plants established in Connecticut; but that we carried on as we had been carrying on for many years. Our position as a war-industry State did not start in this war, but started before the Revolutionary War. We did not ask for any plants and did not ask for any additional industries. Although a few have come to us, it may develop that they have come to the detriment of my State. I expressed that feeling to the War and Navy Departments before we were forced into this war.

Mr. CLARK of Missouri. Mr. President, I think that was a very unfortunate situation for the United States. When we got into war I was personally the head of a committee composed of all the Senators from the Mississippi Valley, who went to the various departments which had to do with the establishment of the war agencies, and they told us that there was a concerted effort on the part of heads of corporations which had plants on the Atlantic seacoast, who were very unwilling to remove them, although everybody agreed that both for strategic and tactical reasons it would be much better to locate them in the Middle West. The Senator who now occupies the Chair (Mr. GILLETTE) knows that statement to be true, because he went with me in connection with those matters.

Mr. President, I had no purpose at this time to enter into a dispute as to where these wartime production agencies should have been created; I shall do that at a later time. But this is not a war production bill. This happens to be a highway bill.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. MALONEY. It has been described to us on many occasions as an unemployment measure, too. While I am on my feet, I should like to say to the Senator, because of his reference to subsidies, that all I have asked is 60 percent of what we pay, and we are willing to give the other 40 percent as a subsidy to States which are in this instance a little less fortunate than my own.

Mr. CLARK of Missouri. Mr. President, I have had many arguments on this floor with the distinguished Senator from North Carolina [Mr. BAILEY], one of the greatest Senators who has ever sat in this body, and he tells occasionally how much the State of North Carolina pays into the Treasury. If we examine the figures, we find that they relate to a tobacco tax, which we in Missouri also pay, and which citizens of Maine pay, and someone else pays in Montana, and someone else pays in Iowa, and someone else pays in California. So the contribution about which the Senator from Connecticut is talking now is not a contribution from Connecticut, it is a contribution from the United States.

Mr. MALONEY. Will the Senator yield further?

Mr. CLARK of Missouri. I am glad to yield.

Mr. MALONEY. The Senator is not quite correct. I entirely share the view he holds as to the cigarette tax in North Carolina.

Mr. CLARK of Missouri. And it is paid in Connecticut.

Mr. MALONEY. I shall come to Connecticut. For a great many years I have been among those criticizing opponents of my political party in my State because they attempted to persuade the people of the State at election time that we were paying more taxes than our share. I have resisted that argument during all the years. We have never paid more than our share. The man in Connecticut pays the same tax as does the man

in Arizona. I thoroughly understand that. But the argument is made in connection with the pending bill that the money is provided by the automobile owner, by the man who pays automobile taxes, by the man who pays gasoline taxes, and we do pay more of such taxes than does Arizona, and all we want is 60 percent of our share back. There is no relationship between the argument which I made and that made by the distinguished Senator from Missouri.

Mr. HAYDEN. Mr. President, will the Senator from Missouri yield to me?

Mr. CLARK of Missouri. I yield.

Mr. HAYDEN. I think it is hardly fair to compare the automobile registration of Connecticut with the automobile registration of Nevada or Arizona, because the highways which have been built across Arizona and Nevada are just a land bridge to get to the great Pacific coast, and the use of those highways primarily is by people from Connecticut and other parts of the United States who are transcontinental travelers. That is why we built the roads.

Mr. MALONEY. Will the Senator from Missouri yield?

Mr. CLARK of Missouri. I yield.

Mr. MALONEY. I quite agree. I have traveled over those roads. I have been very appreciative of them, and I do not ask that the program be destroyed. I ask that we try to be fair about the matter. The State of Nevada, under the pending bill, would get \$5,837,000. All I ask is that the State of Nevada, and other States in proportion, take off \$187,000 of that five million plus and put it in a place where the bill will be permitted to do what it is allegedly designed to do, that is, to take care of traffic conditions, and to do the other things the sponsors of the bill argue they are trying to do. I am not asking for an equal division, I am not asking 100 percent of what the automobilists of my State pay. I want to get a floor for them. I want to get 60 percent, under the arguments made by the sponsors of the bill.

Mr. CLARK of Missouri. Mr. President, I cannot hope to equal the Senator from Connecticut either in eloquence or violence. All I say is that when he begins to talk about the actual contributions of the various States, he is getting on an entirely different subject, he is getting on to a subject which the senior Senator from North Carolina and I have frequently debated in this body, as to who pays the taxes. When the Senator from Connecticut says that the benefits should be apportioned on the basis of the contribution, I say he is getting on exactly the same ground the Senator from North Carolina and I have frequently covered on this floor, as to who pays the taxes.

We are on an entirely different subject now. We are on the subject whether it is beneficial for the people of the United States to have a great highway system, available for military purposes, post-road purposes, for every other purpose, even civilian purposes of travel. If every State is going to reserve to itself the right to have a kick-back in proportion to its gasoline sales, or on any other basis, it means the ruination of the whole system.

The only justification for such a bill as this is that we shall have a great national highway system on which any citizen in the United States can be perfectly free to travel at any time he desires. If we begin to put up State restrictions, State kick-backs, we will ruin the program. I represent one of the largest States in the Union numerically, and a very large State in area. I am interested in having highways go across that State and go up and down the State. I am not at all interested in exactly how much we "kick in" the Federal pot which will make those highways possible. I am interested in having highways. The Senator who occupies the chair represents a great State, one of the greatest States in the Union. He is interested in having highways across his State, going north and south throughout the State.

The proposition of the Senator from Connecticut, as I understand it, is to restrict the construction of a Federal highway system to the contributions made by individual States, and I do not believe that if that principle is to be adopted there is any justification for the bill at all.

Mr. MALONEY. Mr. President, everyone here knows I am devoted to the distinguished Senator from Missouri, and I am never happy when I am in conflict with his views; but I do not think he clearly understands my position, and I assume that is my fault. I am not asking for a "kick-back." I want to give to the Federal Government 40 percent more than we get, because I want Connecticut to make a proper contribution to the Federal highway system of which the Senator speaks. I wish to contribute to the bridge across the Nevada desert, to which the distinguished manager of the bill, the Senator from Arizona [Mr. HAYDEN], refers. But it does not seem right to me that some of the States of the Union should get 300 and 400 and 500 percent and more than what they themselves contribute by way of gasoline taxes.

The gasoline taxes collected from the people of the State of Connecticut are tremendous, and that State, too, is in a sense a bridge over which the rest of the people of the country cross as they go down into the other beautiful States of New England. Our traffic is tremendously heavy. We are in need of additional highways now, part of which needs are brought about by the very heavy travel of people from some other States. I cannot understand how anyone thinks the suggestion is unreasonable when all that is asked here is that we get 60 percent of the money paid for gasoline taxes by the people within the State of Connecticut. No one will say that it is a harsh proposal insofar as the other 44 States are concerned. I do not ask for a division. Again I use Nevada as an illustration because it is the No. 1 State on the list. It is all right with me that Nevada gets 500 percent of what it pays in gasoline taxes. But at the same time I must insist with all the strength I have that my own State get 60 percent of what it pays.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. CLARK of Missouri. I had the experience of driving over the roads of the State of Mississippi a few years ago at a time when the State had probably the worst roads of any State in the Union. I had just come out of the hospital suffering from an abscess, and was not strong enough to change a tire which needed to be changed. I had to sit alongside the road until someone came along to change a tire for me. A few years ago I had the pleasure of driving down there again, and in the meantime from her gravel roads Mississippi had changed into the very finest system of roads in the United States. I do not know exactly what it cost me, but I would have been very glad if I had been privileged to make a contribution to improve those roads in a national system of highways.

I feel the same way about Connecticut and about Missouri and about every other State. I think the highway system ought to be a national system. I think it is a matter of national taxation. I do not think there is any reason for saying that 60 percent of the fund should be raised by Connecticut. I have no idea at the moment as to what contribution Missouri makes. The Senator has the figures on his desk. But if we are going to have a national system of highways I think there should be a State contribution up to the limit of the State's ability. I do not see any reason, however, why we should say that Connecticut or New Jersey or Missouri should be earmarked and have 60 percent or 70 percent or 50 percent or any other particular figure earmarked for them.

The Senator has indicated—which I did not know before—that this proposal affects only five States. I do not see why five States should be earmarked. I think if we are to pass this bill at all, it ought to be passed on the basis of a national necessity.

Mr. MALONEY. Mr. President, I should like to point out to the Senator that these States are not earmarked. A little later Missouri might be in the same category. It just happens that these States would come under this formula now.

Mr. CLARK of Missouri. It would not make the slightest difference to me if Missouri were affected.

Mr. MALONEY. In this respect, Mr. President, I do not think that anyone with whom I have served here regards me as a partisan Senator. I have never asked for special favors for my own State. I have been concerned with legislation on a national basis. It seems to me that the bill in its present form is in many respects unfair, and I am trying in one instance to bring it closer to fairness.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. CLARK of Missouri. The Senator certainly knows that there is no one in the State who has a higher regard for his disinterestedness and his patriotism and great ability than I have. I simply disagree with him on this particular matter.

Mr. MALONEY. I am fearful that there may be others who have a warm

spot in their hearts for what at the moment are the favored States of other parts of the country, but I feel compelled to do what I can to afford, as nearly as possible, proper protection for my State. I do not ask for special consideration, or for anything unfair, nor do I think I ask for more than my State is entitled to.

Mr. President, it is obvious we cannot have a record vote, and I ask for a standing vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut on page 5, line 14. A division has been asked for.

On a division the amendment was rejected.

Mr. MCCARRAN. Mr. President, I send to the desk an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 7, line 10, it is proposed to strike out the words "on highways of the respective classes" and insert in lieu thereof the words "until hazards are eliminated."

Mr. MCCARRAN. Mr. President, this matter has been discussed between the senior Senator from Nevada and the Commissioner of Public Roads, and also between myself and the Senator from Arizona (Mr. HAYDEN), and I am hopeful that the Senator will at least take the amendment to conference, because it has the approbation of the Commissioner of Public Roads.

Mr. HAYDEN. The effect of the amendment is, as I understand it, that at the present time 10 percent of the secondary roads money could be used for elimination of highway hazards on secondary roads, 10 percent of the Federal-aid money could be used for similar purposes on Federal-aid roads, and 10 percent of the money available for urban use could be used for similar purposes in that way. The Senator's suggestion is that the money be used in that way until the hazards are removed, and the Senator wants to strike out the words "on highways of the respective classes." That would enable the hazards to be removed anywhere, and not be confined to the separate segments.

Mr. MCCARRAN. That is correct.

Mr. HAYDEN. I can see no harm in that. We can take the amendment to conference at least.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nevada.

The amendment was agreed to.

Mr. DANAHER. Mr. President, with reference to the second amendment which my colleague offered, I took no part in the debate because of the magnificent presentation he had made with reference to the entire matter. Under no circumstances would I wish any comment of mine to have any impingement upon the splendid presentation which the Senate heard. It is a matter of regret to me that the action has been taken adversely to the representations made by my colleague.

We have been told in reference to this measure that it is designed to aid the

prospective unemployment in the post-war period, at least that suggestion has been offered as one of the grounds upon which we should adopt the measure.

Obviously, if it were to deal in terms of unemployment, it should have some relation to the expectancy of unemployment in terms of the localities in which industrial displacements will occur. Viewed in that light, Mr. President, it is perfectly preposterous to ascertain, as the bill provides, the standards which have been created, without regard to their effect on unemployment. We could ask no more clarifying evidence of the dislocation of the bill on that basis than is to be found in an exhibit which I have before me, and which has been submitted to me by the Commissioner of Highways in the State of Connecticut. If we are talking about appropriations, in terms of dollars per demobilized person in the respective States, it will be found that under the bill Nevada would receive \$584, and Connecticut would receive \$18. Had the amendment offered by my colleague been adopted, Nevada would have received \$556, and Connecticut would have received \$23. While we are groping for some standard, the difference would at least reasonably take into account the situation, without causing distress to Nevada and without causing adverse impact to the State of Connecticut, in that Connecticut would have been advantaged reasonably, pro rata, according to the number of demobilized persons, by a sum sufficient to aid in the road program there.

If we are talking in terms of improving the highway system, and in terms of the amount of traffic, it is reasonable to judge by the number of automobiles per State. On that basis, Mr. President, under the terms of the bill Nevada would receive \$117, while Connecticut would receive \$11. Under the language of the amendment offered by my colleague Nevada would have received \$113, and Connecticut would have received \$13.

Mr. President, I ask unanimous consent that both of the tables to which I have made reference be inserted in the body of the RECORD at this point as a part of my remarks.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Dollars per motor vehicle

S. 2105, AS WRITTEN

1. Nevada	117
2. Wyoming	62
3. New Mexico	53
4. Montana	47
5. Arizona	46
6. Utah	36
7. North Dakota	36
8. South Dakota	36
9. Idaho	34
10. Delaware	32
11. Mississippi	30
12. Arkansas	29
13. Alabama	28
14. Colorado	26
15. Georgia	25
16. Vermont	25
17. Nebraska	24
18. Tennessee	23
19. Kansas	21
20. Kentucky	21
21. Louisiana	21
22. Maine	21
23. New Hampshire	21

24. Oklahoma	\$21
25. North Carolina	20
26. Oregon	20
27. Rhode Island	20
28. Missouri	19
29. Texas	19
30. New York	18
31. South Carolina	18
32. Virginia	18
33. West Virginia	18
34. Massachusetts	17
35. Minnesota	17
36. Florida	16
37. Illinois	16
38. Iowa	16
39. Pennsylvania	15
40. Washington	15
41. Wisconsin	15
42. Indiana	14
43. Ohio	14
44. Michigan	13
45. Maryland	13
46. New Jersey	12
47. Connecticut	11
48. California	10

S. 2105, IF AMENDED

1. Nevada	113
2. Wyoming	60
3. New Mexico	56
4. Montana	46
5. Arizona	45
6. Utah	36
7. North Dakota	35
8. South Dakota	35
9. Idaho	33
10. Delaware	32
11. Mississippi	29
12. Arkansas	28
13. Alabama	27
14. Colorado	25
15. Vermont	25
16. Georgia	24
17. Nebraska	23
18. Tennessee	23
19. Kansas	21
20. Louisiana	21
21. Maine	21
22. New Hampshire	21
23. Kentucky	20
24. Massachusetts	20
25. Oklahoma	20
26. Oregon	20
27. Rhode Island	20
28. North Carolina	19
29. Texas	19
30. Missouri	18
31. New York	18
32. South Carolina	18
33. Virginia	18
34. West Virginia	18
35. Minnesota	17
36. Florida	16
37. Illinois	16
38. Iowa	16
39. New Jersey	16
40. Pennsylvania	15
41. Washington	15
42. Wisconsin	15
43. Indiana	14
44. Ohio	14
45. Connecticut	13
46. Maryland	13
47. Michigan	13
48. California	12

Dollars per demobilized person

S. 2105, AS WRITTEN

1. Nevada	581
2. Wyoming	323
3. Montana	246
4. New Mexico	226
5. Arizona	209
6. South Dakota	190
7. North Dakota	177
8. Idaho	173
9. Utah	107
10. Nebraska	104
11. Colorado	103
12. Vermont	96
13. Minnesota	74
14. Delaware	72

15. Iowa	\$71
16. Oregon	68
17. Arkansas	64
18. Oklahoma	64
19. Texas	63
20. New Hampshire	62
21. Kansas	60
22. Mississippi	60
23. Florida	58
24. Maine	57
25. Georgia	56
26. Kentucky	54
27. North Carolina	54
28. South Carolina	53
29. Missouri	52
30. Tennessee	52
31. Louisiana	45
32. Wisconsin	45
33. Alabama	44
34. Rhode Island	43
35. Virginia	40
36. West Virginia	40
37. New York	37
38. Illinois	36
39. Massachusetts	34
40. Washington	34
41. Indiana	30
42. Ohio	30
43. California	29
44. Pennsylvania	29
45. New Jersey	24
46. Maryland	22
47. Michigan	21
48. Connecticut	18

S. 2105, IF AMENDED

1. Nevada	566
2. Wyoming	313
3. Montana	238
4. New Mexico	219
5. Arizona	203
6. South Dakota	185
7. North Dakota	171
8. Idaho	169
9. Utah	104
10. Nebraska	101
11. Colorado	100
12. Vermont	96
13. Delaware	72
14. Minnesota	72
15. Iowa	69
16. Oregon	66
17. Oklahoma	63
18. Arkansas	62
19. New Hampshire	62
20. Texas	62
21. Mississippi	59
22. Kansas	58
23. Florida	57
24. Maine	56
25. Georgia	55
26. Kentucky	52
27. North Carolina	52
28. Missouri	51
29. South Carolina	51
30. Tennessee	51
31. Louisiana	44
32. Wisconsin	44
33. Alabama	43
34. Rhode Island	43
35. Virginia	39
36. West Virginia	39
37. Massachusetts	38
38. Illinois	36
39. New York	36
40. Washington	34
41. California	33
42. Indiana	30
43. New Jersey	30
44. Ohio	29
45. Pennsylvania	29
46. Connecticut	23
47. Maryland	22
48. Michigan	21

Mr. DANAHER. As the bill now stands, Mr. President, in view of the rejection by the Senate of the second of the amendments offered by my colleague, I most certainly will not vote for the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2105) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, when used in this act, unless the context indicates otherwise—

The term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping, and elimination of hazards at railway-grade crossings, but does not include costs of rights-of-way.

The terms "urban area" means an area including and adjacent to a municipality or other urban place, of 5,000 or more, as shown by the latest available Federal census. The boundaries of urban areas, as defined herein, will be fixed by the State highway department of each State subject to the approval of the Public Roads Administration.

The term "rural areas" means all areas of the State not included in "urban areas."

The term "secondary and feeder roads" means roads in rural areas, including farm-to-market roads, rural-mail routes, and school-bus routes, and not on the Federal-aid system.

SEC. 2. For the purpose of carrying out the provisions of the Federal Highway Act, approved November 9, 1921, as amended and supplemented, there is hereby authorized to be appropriated the sum of \$1,350,000,000 to become available at the rate of \$450,000,000 a year for each of 3 successive post-war fiscal years: *Provided*, That of the sum authorized to be appropriated for the first of such fiscal years \$100,000,000 may be appropriated to become available immediately upon apportionment of the authorization for said fiscal year for the making of surveys and plans, and for construction: *Provided further*, That except for the sum appropriated pursuant to the preceding proviso, no part of the funds made available pursuant to this act shall be used to pay costs incurred under any construction contract entered into by any State before the beginning of the first post-war fiscal year. The first post-war fiscal year shall be that fiscal year which ends on June 30 following the termination of the present war emergency, or as otherwise directed by the Congress. The authorization for the first post-war fiscal year shall be apportioned among the States within 30 days from the passage of this act. The authorizations for the second and third post-war fiscal years shall be apportioned among the States not later than January 1 next preceding the beginning of each such fiscal year. As soon as the funds for each of the post-war fiscal years have been apportioned, the Commissioner of Public Roads is authorized to enter into agreements with the State highway departments for the making of surveys and plans and the post-war construction of projects for such year. His approval of any such agreement shall be a contractual obligation of the Federal Government for the payment of its pro rata share of the cost of construction.

SEC. 3. The sum authorized in section 2 for each year shall be available for expenditures as follows:

(a) \$200,000,000 for projects on the Federal-aid highway system.

(b) \$125,000,000 for projects on the principal secondary and feeder roads, including farm-to-market roads, rural free delivery mail and public-school bus routes, either outside of municipalities or inside of municipalities of less than five thousand population: *Provided*, That these funds shall be expended on a system of such roads selected by the State highway departments in co-

operation with the county supervisors, county commissioners, or other appropriate local road officials and the Commissioner of Public Roads: *Provided further*, That in any State having a population density of more than two hundred per square mile, as shown by the latest available Federal census, the said system may be selected without regard to included municipal boundaries: *Provided further*, That any of such funds for secondary and feeder roads which are apportioned to a State in which all public roads and highways are under the control and supervision of the State highway department may, if the State highway department and the Commissioner of Public Roads jointly agree that such funds are not needed for secondary and feeder roads, be expended for projects in such State on the Federal-aid highway system.

(c) \$125,000,000 for projects on the Federal-aid highway system in urban areas.

SEC. 4. After making the deductions for administration, research, and investigations as provided in section 21 of the Federal Highway Act of 1921, the sums authorized shall be apportioned as follows:

(a) The \$200,000,000 per year available for projects on the Federal-aid highway system shall be apportioned among the States as provided in section 21 of the Federal Highway Act.

(b) The \$125,000,000 per year available for projects on the secondary and feeder roads shall be apportioned among the States in the following manner: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the rural population of each State bears to the total rural population of all the States, as shown by the Federal census of 1940; and one-third in the ratio which the mileage of rural delivery and star routes in each State bears to the total mileage of rural delivery and star routes in all the States.

(c) The \$125,000,000 per year available for projects on highways in urban areas shall be apportioned among the States in the ratio which the population in municipalities and other urban places, of five thousand or more, in each State bears to the total population in municipalities and other urban places, of five thousand or more, in all the States as shown by the latest available Federal census: *Provided*, That Connecticut and Vermont towns shall be considered municipalities regardless of their incorporated status.

(d) As used in this section the term "State" includes the District of Columbia and the Territories of Hawaii and Puerto Rico.

(e) Any sums apportioned to any State under the provisions of this section shall be available for expenditure in that State for 2 years after the date of apportionment, and any amount so apportioned remaining unexpended at the end of such period shall lapse: *Provided*, That such funds shall be deemed to have been expended if covered by formal agreement with the Commissioner of Public Roads for the improvement of a specific project as provided by this act.

SEC. 5. (a) The Federal share payable on account of any project provided for by the funds made available by this act shall not exceed 50 percent of the construction cost thereof: *Provided*, That in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 percent of the total area of all lands therein the Federal share shall be increased in each of the 3 post-war years by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area: *Provided further*, That no less than 10 percent of any sums apportioned to any State for projects on the Federal-aid highway system, for proj-

ects on secondary and feeder roads, and for projects in urban areas shall be available for projects for the elimination of hazards of highway-railway crossings until hazards are eliminated: *And provided further*, That any part of the construction cost of projects for the elimination of hazards of railway-highway crossings, except the part of such cost which is paid by the railway or railways involved may be paid from Federal funds: *Provided further*, That no Federal funds shall be expended on any such project unless the railway or railways involved pay not less than 15 percent of the construction cost of such project.

(b) If within any of the three post-war fiscal years referred to in this act the Federal Works Administrator shall find with respect to any State (1) that the proceeds of all special taxes on motor-vehicle transportation, as referred to in section 12 of the act of June 18, 1934 (48 Stat. 995), as amended, are applied to highway purposes as defined in said section; (2) that 100 percent of such proceeds are applied to the administrative and operating expenses of the State highway department, the maintenance of the State and Federal-aid highway systems, and the payment of interest on, and the amortization of, bond obligations of the State for the payment of which such revenues have been continuously pledged since January 1, 1942; (3) that the rate of none of such taxes has been reduced after September 1, 1944; and (4) that the portion of the proceeds of all such special taxes then available for construction, together with funds available to the State from any other sources for highway purposes, will be insufficient to match all, or any part, of the funds apportioned to such State for such fiscal years in accordance with the provisions of this act, then such portion of such apportionment as the Federal Works Administrator shall find the State is unable to match shall be made available for expenditure in such State in accordance with the Federal Highway Act, as amended and supplemented, without being matched by the State. Any finding made by the Federal Works Administrator under this subsection shall be made by him only after a full and complete investigation of the facts and records upon which such findings is based.

SEC. 6. If the Commissioner of Public Roads shall determine that it is necessary for the expeditious completion of projects undertaken pursuant to this act, he may advance to any State from funds heretofore or hereafter made available the Federal share of the cost thereof to enable the State highway department to make prompt payments for work as it progresses. The funds so advanced shall be deposited in a special trust account by the State treasurer, or other State official authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for work actually performed in accordance with plans, specifications, and estimates approved by the Public Roads Administration under the provisions of this act. Any unexpended balances of funds so advanced shall be returned to the credit of the appropriation from which funds have been advanced.

SEC. 7. There shall be designated within the continental United States a System of Interregional Highways not exceeding 40,000 miles in total extent so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of the System of Interregional Highways shall be selected by joint action of the State highway departments of each State and the adjoining States, as pro-

vided by the Federal Highway Act of November 9, 1921, for the selection of the Federal-aid system. All highways or routes included in the System of Interregional Highways as finally approved, if not already included in the Federal-aid highway system, shall be added to said system without regard to any mileage limitation.

SEC. 8. With the approval of the Federal Works Administrator, not to exceed 1½ percent of the amount apportioned for any year to any State under the Federal Highway Act as amended and supplemented, except sections 3 and 23 thereof shall hereafter be used with or without State funds for surveys, plans, engineering, and economic investigations of projects for future construction in such State, on the Federal-aid highway system and extensions thereof within municipalities, on secondary or feeder roads, urban highway or grade-crossing eliminations, and for highway research necessary in connection therewith.

SEC. 9. For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), as amended and supplemented, there is hereby authorized to be appropriated (1) for forest highways the sum of \$25,000,000 for the first post-war year and a like amount for each of the second and third post-war years; and (2) for forest development roads and trails the sum of \$12,500,000 for the first post-war year and a like amount for each of the second and third post-war years: *Provided*, That the apportionment for forest highways in Alaska shall be for each year \$1,500,000 and that such additional amount as otherwise would have been apportioned to Alaska for each of said years shall be apportioned among those States, including Puerto Rico, whose forest highway apportionment for such year otherwise would be less than 1 percent of the entire apportionment for forest highways for that year.

SEC. 10. (a) For the construction, reconstruction, improvement, and maintenance of roads and trails, inclusive of necessary bridges, in national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of \$12,750,000 to become available at the rate of \$4,250,000 a year for each 3 successive post-war years.

(b) For the construction and maintenance of parkways, to give access to national parks and national monuments, or to become connecting sections of a national parkway plan, over lands to which title has been transferred to the United States by the States or by private individuals, there is hereby authorized to be appropriated the sum of \$15,000,000 to become available at the rate of \$5,000,000 a year for each 3 successive post-war years.

SEC. 11. The Commissioner of Public Roads is authorized, notwithstanding the provisions of any other law, to cooperate with the State highway departments and any Federal agency in the location, development, construction, and maintenance of flight strips adjacent to public highways, after approval of the location by the Civil Aeronautics Administration, in order to insure greater safety for traffic on the public highways by providing additional facilities to be available for the landing and take-off of aircraft. When requested by the State highway department, funds authorized by this act are hereby made available, in addition to any funds that may be available under any other appropriation, for carrying out the provisions of this section and for paying all or any part of the necessary construction costs incurred therefor. Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to

a flight strip or airport, or for the reconstruction or relocation of any highway which has been or may be closed or the usefulness of which has been or may be impaired by the location or construction of any flight strip or airport, unless the officials in charge have first concurred with the State highway department and the Public Roads Administration in the location of such flight strip or airport.

SEC. 12. On any highway or street hereafter constructed with Federal aid in any State, the form and character of informational, regulatory and warning signs, curb, and pavement or other markings, and traffic signals installed or placed by any public authority, or other agency, shall be subject to a standard code approved by the State highway department with the concurrence of the Commissioner of Public Roads.

SEC. 13. The term "highway" as defined by the Federal Highway Act shall not be deemed to include any bridges hereafter to be constructed if located within 5 miles of an existing toll bridge, unless a reasonable offer is made to acquire the facilities of such toll bridge and such offer has not been accepted, and unless a finding as to the reasonableness of said offer, the failure of acceptance, and the percentage of amortization of such toll bridge has been made after public hearing by the Federal Works Administrator: *Provided*, That such finding by the Federal Works Administrator shall not be subject to review.

SEC. 14. This act may be cited as the "Federal-Aid Highway Act of 1944."

The title was amended so as to read: "A bill to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans, and for other purposes."

MR. HAYDEN. Mr. President, I ask unanimous consent that there be printed in the RECORD at this point a table showing the apportionment of funds among the several States, as the bill provides.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Approximate apportionment of \$450,000,000, Federal-aid highway system—sec. 21 of Federal Highway Act, Farm to Market Roads—one-third area, one-third rural population, one-third post roads—urban highways—population of urban places of 5,000 or more

[Thousands of dollars]				
State	Federal-aid highway system	Farm to market roads	Urban highways	Total
Alabama.....	4,187	3,109	1,310	8,606
Arizona.....	2,873	1,863	264	5,000
Arkansas.....	3,427	2,586	561	6,574
California.....	8,010	4,298	8,163	20,471
Colorado.....	3,593	2,267	939	6,799
Connecticut.....	1,241	639	1,985	3,865
Delaware.....	975	609	205	1,789
Florida.....	2,873	1,804	1,603	6,285
Georgia.....	5,020	3,491	1,631	10,242
Idaho.....	2,472	1,621	213	4,305
Illinois.....	7,874	3,974	9,562	21,410
Indiana.....	4,806	3,021	3,082	10,909
Iowa.....	4,962	3,325	1,601	9,888
Kansas.....	5,037	3,315	1,113	9,465
Kentucky.....	3,734	2,836	1,307	7,877
Louisiana.....	2,987	2,093	1,540	6,625
Maine.....	1,732	1,170	564	3,466
Maryland.....	1,628	976	1,800	4,404
Massachusetts.....	2,615	655	6,649	9,919
Michigan.....	6,076	3,446	5,713	15,235
Minnesota.....	5,381	3,475	2,218	11,074
Mississippi.....	3,591	2,773	603	6,974

Approximate apportionment of \$450,000,000, Federal-aid highway system—Continued

[Thousands of dollars]				
State	Federal-aid highway system	Farm to market roads	Urban highways	Total
Missouri.....	5,922	3,803	3,168	12,893
Montana.....	4,041	2,589	309	6,939
Nebraska.....	3,982	2,635	787	7,404
Nevada.....	2,551	1,002	61	4,214
New Hampshire.....	975	609	478	2,062
New Jersey.....	2,546	868	5,558	8,972
New Mexico.....	3,229	2,096	259	5,584
New York.....	9,636	3,563	18,873	32,072
North Carolina.....	4,822	3,706	1,501	10,029
North Dakota.....	2,982	2,014	216	5,212
Ohio.....	7,026	3,881	7,581	18,488
Oklahoma.....	4,517	3,109	1,356	8,982
Oregon.....	3,315	2,121	815	6,251
Pennsylvania.....	8,172	4,396	10,574	23,142
Rhode Island.....	975	609	1,129	2,713
South Carolina.....	2,709	2,098	658	5,465
South Dakota.....	3,139	2,065	223	5,427
Tennessee.....	4,237	3,056	1,602	8,895
Texas.....	12,096	8,264	4,488	25,518
Utah.....	2,250	1,405	435	4,091
Vermont.....	975	609	187	1,771
Virginia.....	3,656	2,659	1,499	7,814
Washington.....	3,148	1,998	1,475	6,621
West Virginia.....	2,196	1,732	812	4,740
Wisconsin.....	4,814	3,057	2,669	10,540
Wyoming.....	2,488	1,583	134	4,205
Hawaii.....	975	609	393	1,980
District of Columbia.....	975	609	1,153	2,737
Puerto Rico.....	987	944	839	2,770
Reserved for administration and engineering.....	5,000	3,125	3,125	11,250
Total.....	200,000	125,000	125,000	450,000

NORTH DAKOTA SENATORIAL PRIMARY—NOTICE OF SPEECH BY SENATOR LANGER

MR. LANGER. Mr. President, on last Tuesday the senior Senator from North Dakota [Mr. Nye] made certain statements on the floor of the Senate. At that time I stated that I would reply within a short time. I now give notice that on next Tuesday, which I understand will be the first day the Senate will be in session after the recess, I expect to reply to his statements.

EXECUTIVE SESSION

MR. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. Gillette in the chair) laid before the Senate a message from the President of the United States submitting sundry nominations in the Navy, which was referred to the Committee on Naval Affairs.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. WALSH of New Jersey, from the Committee on Commerce:

Several employees of the Coast and Geodetic Survey to be junior hydrographic and geodetic engineers with rank of lieutenant (junior grade) in the Coast and Geodetic Survey.

By Mr. CLARK of Missouri, from the Committee on Commerce:

Theodore P. Wright, of the District of Columbia, to be Administrator of the Civil

Aeronautics Administration, vice Charles I. Stanton, resigned.

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:
Sundry postmasters.

RECORDER OF DEEDS FOR THE DISTRICT OF COLUMBIA—REPORT

Mr. WALSH of New Jersey. Mr. President, from the Committee on the District of Columbia, I report favorably the nomination of Marshall L. Shepard to be Recorder of Deeds for the District of Columbia.

Mr. BRIDGES. Mr. President, I do not know the parliamentary procedure in connection with a matter of this kind, but I wish to point out for the benefit of the Senate, first, that there has been no meeting of the Committee on the District of Columbia in connection with this nomination. For nearly 8 years I have been a member of that committee. Many times nominees of the President have appeared before either the full committee or a subcommittee, and committee members have had an opportunity to question them to determine their qualifications and their fitness. On other nominations the committee members have had at least a chance to look over their record. This is the first time, to my knowledge, that we have seen an attempt made to railroad through a nomination. It is plainly politics.

Mr. President, there has been no meeting of the committee in connection with this nomination, so I ask the distinguished Senator just how he makes a favorable report.

Mr. WALSH of New Jersey. Mr. President, I was officially delegated by the chairman of the Committee on the District of Columbia [Mr. BILBO] to report favorably this nomination, after he had polled the committee and received proxies from the majority of the members. Since the chairman wrote to me, I have been informed that the distinguished Senator from Nevada [Mr. McCARRAN] has also added his approval to the nomination.

I should also like to say that I do not believe that the Senator from Mississippi could possibly obtain a patent on his procedure in polling the committee. It certainly is not unique. Of course, the distinguished Senator from New Hampshire is much more familiar than I am with the rules, procedures, and policies of the Senate. However, in the few months I have been a Member of the Senate I have been polled a great many times in connection with bills and nominations. Again and again I have seen them reported after such a polling procedure was followed; and I think it would be unfortunate if we were to decide at this time to change the rules in connection with the nomination of Marshall Shepard.

Mr. CLARK of Missouri. Mr. President—

Mr. BRIDGES. Mr. President, I have the floor.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. BRIDGES. Mr. President, in this connection let me say that the chairman

of the committee made no attempt to call a meeting of the full committee. Neither did he, so far as I know, delegate to any member of the majority the authority to call a committee meeting. This nomination is being put through at this time for purely political purposes. The nominee is a Negro from Philadelphia, who has been appointed to this position in the District of Columbia.

To begin with, I believe that the position should go to a Negro from the District of Columbia. However, if we are to appoint someone from outside the District, from Pennsylvania or some other State, at least we should have an opportunity to pass upon his fitness and qualifications. The appointment should not be rammed down the throats of the people of the District of Columbia merely to help Roosevelt attempt to carry the Negro vote in some of the States. That is the plain issue. We cannot dodge it.

Mr. CLARK of Missouri. Mr. President, I know nothing whatever about this nominee. Personally I recommended another man for the job. The vacancy was caused by the death of a constituent of mine from Missouri. I recommended another citizen of Missouri to fill the vacancy.

When the Senator from New Hampshire tears passion to tatters over the practice of polling Senate committees, he is perfectly within his rights under the rules, because the rules do not specifically authorize the polling of committees. However, it is a precedent which has been followed in the Senate for at least a hundred years.

Without any reference to this particular case, from the Committee on Commerce today I reported the nomination of an extremely important officer, the Administrator of Air Commerce, after a poll of the subcommittee. I had held the matter in abeyance for some time, because of the absence of the Senator from Nevada [Mr. McCARRAN] who had asked that the matter be held up until he returned to the city.

Having talked to all other Senators on the subcommittee, and having authority to report directly to the Senate, when the Senator from Nevada today gave his approval of the nomination, I without hesitation reported it.

Now the Senator from New Hampshire is attempting to make a political issue of something which has been a Senate practice for over 100 years, namely, the practice of polling committees. I do not undertake to say whether it is right or wrong. I take the law as I find it. I have polled many committees of which I have been chairman, and at times among the membership of those committees the Senator from New Hampshire himself has been included. When it is easier to poll a committee than to assemble the committee, it has long been the practice of the Senate to obtain on the nomination report the initials or signatures of various members of the committee, and to take that as the ground for making the report.

I recall that when the Senator from North Carolina [Mr. BAILEY] became chairman of the Committee on Commerce, he appointed a subcommittee

headed by the present distinguished minority leader, the Senator from Maine [Mr. WHITE], and including the distinguished senior Senator from Louisiana [Mr. OVERTON], to formulate rules about the use of proxies. As I recall, they reported against the use of proxies. The Senator from Maine had long held that view. The matter was submitted to the full committee; and, with the exception of their votes, it was unanimously rejected.

I ask the Senator from Maine if that is not true?

Mr. WHITE. Mr. President, if the Senator will yield to me, let me say that I think the Senator from Missouri has stated the situation with his customary accuracy. The practice has been one of long standing in the Senate. But I think it has become a more reprehensible practice with every passing year.

So far as my recollection goes, in the years during which I have been in the Senate I have never consented to be polled. I do not intend to be, as long as I am here. I do not like the practice or anything about it, and I am in sympathy with the criticism the Senator from New Hampshire makes of it.

I cannot help saying, although perhaps this is gratuitous, that I assume that action on the nomination is not in order at this time, if the report is now being made.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. KILGORE. I wish to call attention to the fact that I do not think the nomination of a single officer of general rank in the United States Army has been confirmed by the Senate within the past 3 years except following a poll of the Committee on Military Affairs or a subcommittee thereof. I do not remember a single meeting of the committee in which the committee passed on such matters with a full quorum present, or except by polling the committee.

Mr. BRIDGES. Mr. President, will the Senator yield to me?

Mr. CLARK of Missouri. I yield.

Mr. BRIDGES. The Senator from West Virginia is very much mistaken about that, or else he has not been in attendance at some of the meetings of the Committee on Military Affairs, because I recall, as other Members of the Senate who are now present will recall very well, occasions on which votes have been taken in the Committee on Military Affairs.

Mr. CHAVEZ. Mr. President, will the Senator yield to me?

Mr. CLARK of Missouri. I yield.

Mr. CHAVEZ. I do not think any rule of the Senate has been violated in the present instance. The only observation I should like to make in this connection is that officials of the District of Columbia should, in my opinion, be from the District of Columbia. I never did like carpetbaggers, either in 1865 or in 1944. I care not whether the procedure be the present one, which I think is correct, or otherwise, I still think that the committees should pay some attention to the question whether the nominee is from the jurisdiction in which he is to

Sept
18

78TH CONGRESS
2D SESSION

S. 2105

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 1944

Referred to the Committee on Roads

AN ACT

To amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, when used in this Act, unless the context indicates
4 otherwise—

5 The term “construction” means the supervising, inspect-
6 ing, actual building, and all expenses incidental to the con-
7 struction or reconstruction of a highway, including locating,

1 surveying, and mapping, and elimination of hazards at rail-
2 way-grade crossings, but does not include costs of rights-of-
3 way.

4 The term "urban area" means an area including and
5 adjacent to a municipality or other urban place, of five thou-
6 sand or more, as shown by the latest available Federal census.
7 The boundaries of urban areas, as defined herein, will be
8 fixed by the State highway department of each State sub-
9 ject to the approval of the Public Roads Administration.

10 The term "rural areas" means all areas of the State
11 not included in "urban areas".

12 The term "secondary and feeder roads" means roads
13 in rural areas, including farm-to-market roads, rural-mail
14 routes, and school-bus routes, and not on the Federal-aid
15 system.

16 SEC. 2. For the purpose of carrying out the provisions
17 of the Federal Highway Act, approved November 9, 1921,
18 as amended and supplemented, there is hereby authorized to
19 be appropriated the sum of \$1,350,000,000 to become avail-
20 able at the rate of \$450,000,000 a year for each of three suc-
21 cessive post-war fiscal years: *Provided*, That of the sum
22 authorized to be appropriated for the first of such fiscal years
23 \$100,000,000 may be appropriated to become available im-
24 mediately upon apportionment of the authorization for said
25 fiscal year for the making of surveys and plans and for

1 construction: *Provided further*, That except for the sum
2 appropriated pursuant to the preceding proviso, no part
3 of the funds made available pursuant to this Act shall
4 be used to pay costs incurred under any construction
5 contract entered into by any State before the beginning
6 of the first post-war fiscal year. The first post-war fiscal
7 year shall be that fiscal year which ends on June 30
8 following the termination of the present war emergency,
9 or as otherwise directed by the Congress. The authoriza-
10 tion for the first post-war fiscal year shall be apportioned
11 among the States within thirty days from the passage of this
12 Act. The authorizations for the second and third post-war
13 fiscal years shall be apportioned among the States not later
14 than January 1 next preceding the beginning of each
15 such fiscal year. As soon as the funds for each of the
16 post-war fiscal years have been apportioned, the Commis-
17 sioner of Public Roads is authorized to enter into agreements
18 with the State highway departments for the making of sur-
19 veys and plans and the post-war construction of projects
20 for such year. His approval of any such agreement shall
21 be a contractual obligation of the Federal Government for
22 the payment of its pro rata share of the cost of construction.

23 SEC. 3. The sum authorized in section 2 for each year
24 shall be available for expenditures as follows:

1 (a) \$200,000,000 for projects on the Federal-aid
2 highway system.

3 (b) \$125,000,000 for projects on the principal sec-
4 ondary and feeder roads, including farm-to-market roads,
5 rural free delivery mail and public-school bus routes, either
6 outside of municipalities or inside of municipalities of
7 less than five thousand population: *Provided*, That these
8 funds shall be expended on a system of such roads se-
9 lected by the State highway departments in cooperation with
10 the county supervisors, county commissioners, or other appro-
11 priate local road officials and the Commissioner of Public
12 Roads: *Provided further*, That in any State having a popula-
13 tion density of more than two hundred per square mile, as
14 shown by the latest available Federal census, the said system
15 may be selected without regard to included municipal bound-
16 aries: *Provided further*, That any of such funds for second-
17 ary and feeder roads which are apportioned to a State in
18 which all public roads and highways are under the control
19 and supervision of the State highway department may, if the
20 State highway department and the Commissioner of Public
21 Roads jointly agree that such funds are not needed for sec-
22 ondary and feeder roads, be expended for projects in such
23 State on the Federal-aid highway system.

24 (c) \$125,000,000 for projects on the Federal-aid
25 highway system in urban areas.

1 SEC. 4. After making the deductions for administration,
2 research, and investigations as provided in section 21 of the
3 Federal Highway Act of 1921, the sums authorized shall
4 be apportioned as follows:

5 (a) The \$200,000,000 per year available for projects
6 on the Federal-aid highway system shall be apportioned
7 among the States as provided in section 21 of the Federal
8 Highway Act.

9 (b) The \$125,000,000 per year available for projects
10 on the secondary and feeder roads shall be apportioned
11 among the States in the following manner: One-third in the
12 ratio which the area of each State bears to the total area of
13 all the States; one-third in the ratio which the rural popu-
14 lation of each State bears to the total rural population of
15 all the States, as shown by the Federal census of 1940;
16 and one-third in the ratio which the mileage of rural delivery
17 and star routes in each State bears to the total mileage of
18 rural delivery and star routes in all the States.

19 (c) The \$125,000,000 per year available for projects
20 on highways in urban areas shall be apportioned among
21 the States in the ratio which the population in municipalities
22 and other urban places, of five thousand or more, in each
23 State bears to the total population in municipalities and
24 other urban places, of five thousand or more, in all the
25 States as shown by the latest available Federal census:

1 *Provided*, That Connecticut and Vermont towns shall be
2 considered municipalities regardless of their incorporated
3 status.

4 (d) As used in this section the term "State" in-
5 cludes the District of Columbia and the Territories of Hawaii
6 and Puerto Rico.

7 (e) Any sums apportioned to any State under the
8 provisions of this section shall be available for expenditure
9 in that State for two years after the date of apportionment,
10 and any amount so apportioned remaining unexpended at
11 the end of such period shall lapse: *Provided*, That such
12 funds shall be deemed to have been expended if covered
13 by formal agreement with the Commissioner of Public
14 Roads for the improvement of a specific project as provided
15 by this Act.

16 SEC. 5. (a) The Federal share payable on account of
17 any project provided for by the funds made available by this
18 Act shall not exceed 50 per centum of the construction
19 cost thereof: *Provided*, That in the case of any State contain-
20 ing unappropriated and unreserved public lands and nontax-
21 able Indian lands, individual and tribal, exceeding 5 per
22 centum of the total area of all lands therein the Federal share
23 shall be increased in each of the three post-war years by a
24 percentage of the remaining cost equal to the percentage that
25 the area of all such lands in such State is of its total area:

1 *Provided further*, That no less than 10 per centum of any
2 sums apportioned to any State for projects on the Federal-
3 aid highway system, for projects on secondary and feeder
4 roads, and for projects in urban areas shall be available for
5 projects for the elimination of hazards of highway-railway
6 crossings until hazards are eliminated: *And provided further*,
7 That any part of the construction cost of projects for the
8 elimination of hazards of railway-highway crossings, except
9 the part of such cost which is paid by the railway or rail-
10 ways involved, may be paid from Federal funds: *Provided*
11 *further*, That no Federal funds shall be expended on any such
12 project unless the railway or railways involved pay not less
13 than 15 per centum of the construction cost of such project.

14 (b) If within any of the three post-war fiscal years
15 referred to in this Act the Federal Works Administrator
16 shall find with respect to any State (1) that the proceeds
17 of all special taxes on motor-vehicle transportation, as re-
18 ferred to in section 12 of the Act of June 18, 1934 (48
19 Stat. 995), as amended, are applied to highway purposes
20 as defined in said section; (2) that 100 per centum of
21 such proceeds are applied to the administrative and oper-
22 ating expenses of the State highway department, the mainte-
23 nance of the State and Federal-aid highway systems, and
24 the payment of interest on, and the amortization of, bond
25 obligations of the State for the payment of which such reve-

1 nues have been continuously pledged since January 1, 1942;
2 (3) that the rate of none of such taxes has been reduced
3 after September 1, 1944; and (4) that the portion of the
4 proceeds of all such special taxes then available for con-
5 struction, together with funds available to the State from
6 any other sources for highway purposes, will be insufficient
7 to match all, or any part, of the funds apportioned to such
8 State for such fiscal years in accordance with the provisions
9 of this Act, then such portion of such apportionments as
10 the Federal Works Administrator shall find the State is
11 unable to match shall be made available for expenditure in
12 such State in accordance with the Federal Highway Act,
13 as amended and supplemented, without being matched by
14 the State. Any finding made by the Federal Works Ad-
15 ministrator under this subsection shall be made by him only
16 after a full and complete investigation of the facts and
17 records upon which such findings is based.

18 SEC. 6. If the Commissioner of Public Roads shall de-
19 termine that it is necessary for the expeditious completion
20 of projects undertaken pursuant to this Act, he may advance
21 to any State from funds heretofore or hereafter made avail-
22 able the Federal share of the cost thereof to enable the
23 State highway department to make prompt payments for
24 work as it progresses. The funds so advanced shall be
25 deposited in a special trust account by the State treasurer,

1 or other State official authorized under the laws of the State
2 to receive Federal-aid highway funds, to be disbursed solely
3 upon vouchers approved by the State highway department
4 for work actually performed in accordance with plans, speci-
5 fications, and estimates approved by the Public Roads Ad-
6 ministration under the provisions of this Act. Any unex-
7 pended balances of funds so advanced shall be returned to
8 the credit of the appropriation from which the funds have
9 been advanced.

10 SEC. 7. There shall be designated within the continental
11 United States a System of Interregional Highways not
12 exceeding forty thousand miles in total extent so located as
13 to connect by routes, as direct as practicable, the principal
14 metropolitan areas, cities, and industrial centers, to serve the
15 national defense, and to connect at suitable border points
16 with routes of continental importance in the Dominion of
17 Canada and the Republic of Mexico. The routes of the
18 System of Interregional Highways shall be selected by
19 joint action of the State highway departments of each State
20 and the adjoining States, as provided by the Federal High-
21 way Act of November 9, 1921, for the selection of the
22 Federal-aid system. All highways or routes included in the
23 System of Interregional Highways as finally approved,
24 if not already included in the Federal-aid highway system,

1 shall be added to said system without regard to any mileage
2 limitation.

3 SEC. 8. With the approval of the Federal Works Ad-
4 ministrator, not to exceed $1\frac{1}{2}$ per centum of the amount
5 apportioned for any year to any State under the Federal
6 Highway Act as amended and supplemented, except sec-
7 tions 3 and 23 thereof shall hereafter be used with or with-
8 out State funds for surveys, plans, engineering, and economic
9 investigations of projects for future construction in such
10 State, on the Federal-aid highway system and extensions
11 thereof within municipalities, on secondary or feeder roads,
12 urban highways or grade-crossing eliminations, and for high-
13 way research necessary in connection therewith.

14 SEC. 9. For the purpose of carrying out the provisions of
15 section 23 of the Federal Highway Act (42 Stat. 218), as
16 amended and supplemented, there is hereby authorized to be
17 appropriated (1) for forest highways the sum of \$25,000,000
18 for the first post-war year and a like amount for each of the
19 second and third post-war years; and (2) for forest develop-
20 ment roads and trails the sum of \$12,500,000 for the first
21 post-war year and a like amount for each of the second and
22 third post-war years: *Provided*, That the apportionment for
23 forest highways in Alaska shall be for each year \$1,500,000
24 and that such additional amount as otherwise would have
25 been apportioned to Alaska for each of said years shall be

1 apportioned among those States, including Puerto Rico, whose
2 forest highway apportionment for such year otherwise would
3 be less than 1 per centum of the entire apportionment for
4 forest highways for that year.

5 SEC. 10. (a) For the construction, reconstruction, im-
6 provement, and maintenance of roads and trails, inclusive of
7 necessary bridges, in national parks, monuments, and other
8 areas administered by the National Park Service, including
9 areas authorized to be established as national parks and monu-
10 ments, and national park and monument approach roads
11 authorized by the Act of January 31, 1931 (46 Stat. 1053),
12 as amended, there is hereby authorized to be appropriated
13 the sum of \$12,750,000 to become available at the rate of
14 \$4,250,000 a year for each three successive post-war years.

15 (b) For the construction and maintenance of park-
16 ways, to give access to national parks and national monu-
17 ments, or to become connecting sections of a national parkway
18 plan, over lands to which title has been transferred to the
19 United States by the States or by private individuals; there
20 is hereby authorized to be appropriated the sum of
21 \$15,000,000 to become available at the rate of \$5,000,000
22 a year for each three successive post-war years.

23 SEC. 11. The Commissioner of Public Roads is author-
24 ized, notwithstanding the provisions of any other law, to
25 cooperate with the State highway departments and any

1 Federal agency in the location, development, construction,
2 and maintenance of flight strips adjacent to public high-
3 ways, after approval of the location by the Civil Aeronautics
4 Administration, in order to insure greater safety for traffic on
5 the public highways by providing additional facilities to be
6 available for the landing and take-off of aircraft. When re-
7 quested by the State highway department, funds authorized by
8 this Act are hereby made available, in addition to any funds
9 that may be available under any other appropriation, for
10 carrying out the provisions of this section and for paying
11 all or any part of the necessary construction costs incurred
12 therefor. Federal highway funds shall not be used for
13 the reconstruction or relocation of any highway giving
14 access to a flight strip or airport, or for the reconstruction or
15 relocation of any highway which has been or may be closed or
16 the usefulness of which has been or may be impaired by the
17 location or construction of any flight strip or airport, unless
18 the officials in charge have first concurred with the State
19 highway department and the Public Roads Administration
20 in the location of such flight strip or airport.

21 SEC. 12. On any highway or street hereafter constructed
22 with Federal aid in any State, the form and character of
23 informational, regulatory and warning signs, curb and pave-
24 ment or other markings, and traffic signals installed or placed
25 by any public authority, or other agency, shall be subject

1 to a standard code approved by the State highway depart-
2 ment with the concurrence of the Commissioner of Public
3 Roads.

4 SEC. 13. The term "highway" as defined by the Federal
5 Highway Act shall not be deemed to include any bridges
6 hereafter to be constructed if located within five miles of an
7 existing toll bridge, unless a reasonable offer is made to
8 acquire the facilities of such toll bridge and such offer has not
9 been accepted, and unless a finding as to the reasonableness
10 of said offer, the failure of acceptance, and the percentage of
11 amortization of such toll bridge has been made after public
12 hearing by the Federal Works Administrator: *Provided*,
13 That such finding by the Federal Works Administrator shall
14 not be subject to review.

15 SEC. 14. This Act may be cited as the "Federal-Aid
16 Highway Act of 1944".

Passed the Senate September 15 (legislative day,
September 1), 1944.

Attest:

EDWIN A. HALSEY,
Secretary.

AN ACT

To amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans, and for other purposes.

SEPTEMBER 18, 1944

Referred to the Committee on Roads

1/55.
24.



Zealand have turned over to our forces many hundreds of coastal steamers, barges, tugs, lighters, yachts, and launches.

In India the increased rate of reverse lend-lease aid we have received in the first 6 months of 1944 has kept pace with the rising tempo of air, land, and sea operations in the Burma-India and China theaters. A significant proportion of the supplies we have received in India has consisted of aviation gasoline and other petroleum products drawn from British oil resources in the Middle East and refined at the British refinery at Abadan. This gasoline, provided to us as reverse lend-lease, without payment by us, is helping to power our B-29 superfortresses in their raids from both China and India on the Japanese homeland and on such enemy-occupied strong points as Singapore. It is also being used by the fighter and bomber planes of the Tenth and Fourteenth United States Army Air Forces.

II

I take the occasion of this report again to point out that the reverse lend-lease aid rendered by nations of the British Commonwealth to the United States is only a part of the aid which we have received from the British in fighting this war. The United States has benefited greatly from reverse lend-lease aid, as the facts set forth in this report indicate. But we have benefited far more, and in a far larger sense, from the total fighting effort of our allies.

As I have stated in previous lend-lease reports and as the Congress has expressed itself in reports by its appropriate committees at the time of the virtually unanimous renewals of the Lend-Lease Act in 1943 and 1944, lend-lease and reverse lend-lease are not two sides of a financial transaction. We are not loaning money under lend-lease. We are not receiving payments on account under reverse lend-lease. The lend-lease system is, instead, a system of combined war supply, whose sole purpose is to make the most effective use against the enemy of the combined resources of the United Nations, regardless of the origin of the supplies or which of us uses them against the enemy.

Neither the monetary totals of the lend-lease aid we supply, nor the totals of the reverse lend-lease aid we receive are measures of the aid we have given or received in this war. That could be measured only in terms of the total contributions toward winning victory of each of the United Nations. There are no statistical or monetary measurements for the value of courage, skill, and sacrifice in the face of death and destruction wrought by our common enemies.

We in the United States can be justly proud of our contributions in men and materials, and of the courage and skill and sacrifice of the men and women in our armed forces, and of all those others who have devoted themselves selflessly to the war effort at home. We can also be rightly proud of and grateful for the contributions in men and materials of our allies and the courage and skill and sacrifice of their soldiers, airmen, seamen, and peoples.

In this war the United Nations have all drawn strength from each other—our allies from us and we from them. We can now begin to see the full significance of the overwhelming power that this steadily closer partnership has created. We already know how much it did to save us all from disaster. We know that it has brought and will bring final victory months closer than would otherwise have been possible.

Lend-lease and reverse lend-lease are a system of combined war supply. They should end with the war. But the United Nations partnership must go on and must grow stronger. For the tasks of building a workable peace that will endure, we shall need all the strength that a permanent and stronger United Nations can provide in winning security from aggression, in building the economic foundations for a more prosperous world, and in developing wider opportunities for civilized advancement for the American people and for all the other peace-loving peoples of the world.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, November 24, 1944.

FEDERAL-AID ROAD ACT

Mr. ROBINSON of Utah. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4915) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4915, with Mr. COOPER in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

Mr. ROBINSON of Utah. Mr. Chairman, this bill has been unanimously reported by the Committee on Roads. It amends and supplements the Federal-Aid Highway Act of 1916 and takes the place of H. R. 2426, on which extensive hearings were conducted by the committee.

I want to assure the Members of the House that the subject has received long and careful study by the committee. Public hearings began on the last day of February 1944, continued through March and April, and were ended on May 2.

During this period public hearings were conducted on 28 days. Witnesses appearing before the committee included representatives of agriculture, labor, industry, highway users, consumers, and Federal, State, and municipal governments. The testimony of 110 witnesses, together with other statements which were filed with the committee in writing, make up a record which fills 2 printed volumes.

Mr. Chairman, this is a road bill. It is true that the program for which this legislation provides will have substantial employment values after the war. That is an important element to which full consideration has been given. But it is, nevertheless, a secondary element. The primary reason for the bill is to meet the country's road needs. One of the fundamental principles on which virtually all witnesses agreed, and which is expressed in this bill, is that an urgent need exists for the development of a program which after the war will take care of the serious deficiencies in our highway system which have existed for many years, which will catch up with the backlog of construction and replacement necessarily accumulated during the war emergency, and which, finally, will provide for the future the efficient and safe facilities this Nation will need to meet its expanding transportation requirements.

We found general agreement on several other basic principles which also have been written into this bill.

One of these is that the Federal program shall preserve the Federal-aid policies which have characterized road legislation in Congress for nearly 30 years. They include the allocation of Federal funds among the States on a formula basis and matched by State funds under the time-tested administration of the Public Roads Administration.

The road program proved long ago that a coordinate relationship, recognizing the sovereignty of the States, can be effective in the development of a nationwide system of highways of high standards. That is the Federal-aid highway principle which this bill proposes to continue.

Next we found unanimous agreement that the program must encourage the continuance of competitive bidding on construction and major reconstruction projects under the private-contract system.

Another was that Federal-aid projects shall conform to a definite classification of road system so that improvements are made on a selective basis to meet transportation needs.

There was agreement further that all necessary post-war highway legislation should be enacted by the Congress in a single, comprehensive amendment to the basic road law.

And finally, the testimony emphasized that it is necessary to act without delay, establishing the national policy and making clear the extent of Federal-aid, so that the States and their political subdivisions can proceed with the proper planning of their highway programs.

With these six fundamental principles, the members of the Roads Committee concurred, as I am sure the Members of the House also concur. They are applied in this legislation.

This matter of urgency cannot be emphasized too strongly with reference to the bill before us. Next year, the legislatures of 44 States will meet in biennial sessions. Some of them begin their sessions in January, which is only a few weeks away. Most of them con-

tinue for only comparatively short periods of time.

If the post-war highway program is to be a sound program, which the public interest requires, then the States will have to deal in advance, through their legislatures, with the many complex legal, financial, and engineering problems which are involved. It takes as long to plan a sound highway project—one that really meets transportation requirements—as it does to build it. The challenge in this important field which confronts the Congress is to enact the best possible bill in the shortest possible time. A great deal of time has passed since the subject of post-war highways first began receiving consideration here in Washington. That was nearly 2 years ago. But, of course, legislation of this importance cannot be accomplished overnight. And so we have had to work it out, giving careful consideration to all of the elements of the problem. That task is accomplished, and we now have before us a bill which is recommended by the committee, and which I believe comes as close to meeting the test as it is possible to get. Time is now running short, and prompt action is more urgently needed than ever before.

I would like to go through the bill briefly, section by section, in order to bring out some of the main considerations prompting its early passage. For this purpose, the report of the committee will be very useful, because it summarizes the conclusions we reached, and the reasons for them.

First, however, I want to make a few general comments regarding special features of the bill. This is an amendment to the Federal highway law, and therefore it recognizes the obligation of the Federal Government to provide leadership in the development of highway transportation facilities essential to the general welfare and to the national defense.

The bill authorizes post-war Federal aid to the States for the improvement of congested and hazardous traffic arteries in metropolitan areas which even before the war began were grossly inadequate. The modern highways contemplated under this program will provide capacity and safety for the day-to-day business and social travel of millions of citizens between, through, and around population centers. These modern highways will attract the heavy traffic away from residential streets, and restore to them their original function of providing local access. By making possible the proper advance planning under this bill, these highways can become the framework for future urban redevelopment in all parts of the country.

The bill also provides for vast improvement of secondary and feeder roads in the rural sections of the country. On these roads—commonly called farm-to-market roads—travel the rural school bus, the mail carrier, police and fire vehicles. The secondary roads serve daily millions of farm trucks and passenger cars. This bill provides for the principal farm-to-market roads an improvement program considerably larger than any previously authorized in Federal-aid legislation.

The bill authorizes the designation of a new national system of key rural and urban highways not to exceed 40,000 miles. This is an extremely vital provision of the legislation. The limited road system would be jointly designated by the States and Federal authority, and would represent about 1 percent of our total road mileage. But it is a critical 1 percent; when improved in future years to new high standards of design and construction, it will carry 20 percent of the Nation's total traffic. The design standards which have been proposed for these roads in the report submitted to the Congress by the National Committee on Interregional Highways were described during the committee's hearings by the general manager of the National Safety Council as the "greatest single contribution ever made to highway safety."

The designation of this limited network as proposed follows in principle and in procedure the method used by the Congress for more than two decades. We have in this country something over 3,000,000 miles of roads. Many of them are not general purpose roads, and therefore would not be eligible for improvement from Federal funds. But even if they were, it is obvious that we could not improve all these roads to the same standards. It would be physically and financially impossible. Nor do they need improvement to the same standards, because the volume and character of their use varies.

And so, instead, we have used the principle of selectivity. We have selected out a system of roads, by joint Federal-State action, and we have set minimum standards. Then we restricted Federal funds to projects on that system. That is how the Federal-aid primary road system was developed over the years.

Exactly the same principle and procedure are proposed here, for the selection and development of a still more limited system of heavy-volume highways. For the most part, the system will be composed of existing routes on the Federal-aid system. It will be authorized by this bill, and then be designated by the States and the Federal Government. Then it will be improved during future years to new high standards which will afford the capacity and the safety which these major rural and urban arteries require.

There are many other compelling reasons for the designation of such a network: The requirements of national defense, the necessity for opening up traffic bottlenecks in and near population centers, and so on. I do not propose to go into detail because I think all of us know, from personal observation alone, the conditions which existed even before the war on our main thoroughfares, and which the proper development of this system can, in time, eliminate or reduce.

The important thing to remember is that only through the designation of these highways by road classification, as provided by this bill, can that improvement program be carried out in an orderly and economical manner. It is a program that begins right here in Congress, just as the Federal-aid primary system was begun in Congress in 1921.

I mentioned earlier the employment values of this legislation. It is first of all a road bill, aimed at meeting highway transportation needs. But in consideration of the employment situation which may exist after the war, and mindful of the needs of men returning from military service, the bill also enables the States, acting jointly with the Federal Government, to build up a shelf of essential road projects which can be undertaken at that time.

The capacity of the highway program to provide useful jobs, both on the site of the improvements and in supplying industries, was demonstrated in pre-war years when approximately one-half of all public works were road-improvement projects.

But beyond this, the road program will make an even greater contribution to the post-war economy by supplying the facilities which are needed to maintain and to expand the Nation's highway transportation system.

As President Roosevelt stated in his message to the Congress on interregional highways last January:

A program of highway construction can serve not only to help meet the Nation's highway transportation needs, but also as a means of utilizing productively during the post-war readjustment period a substantial share of the manpower and industrial capacity then available. * * * It will, in addition, encourage and support the many diverse economic activities dependent upon highway transportation.

Since the beginning of the century nearly every year had seen new records of accomplishments in the field of highway transportation; more motor vehicles manufactured, more vehicles on the road, more miles of paved highways; and more billions of miles of travel. When finally in 1942 these upward trends were stopped by war, motor transport had become an integral part of the mechanism which makes our economy function. As the Baruch Committee described it, this was a country "geared to rubber-borne motor transport to an extent not approached elsewhere in the world"—The Rubber Situation, House Document 836, United States Government Printing Office, September 10, 1942.

Figures which measure the magnitude of motor-transport development in the United States are astronomical. In the past 25 years \$42,000,000,000 have been spent for highways, and \$55,000,000,000 worth of motor vehicles has been produced. The men and materials involved in these gigantic outlays comprise an imposing part of the Nation's resources. In 1940, 6,500,000 United States workers were employed in road building, vehicle production, petroleum refining, truck and bus transport, tire manufacture, and automobile sales and service—1 out of every 7 United States workers. Highway transport had become the No. 1 consumer of nickel, lead, gasoline, rubber, petroleum, and steel; and its requirements for glass, cotton, leather, aluminum, zinc, and tin had risen to enormous volumes.—Automobile Manufacturers Association, Facts and Figures, 1941 and 1942. It was the combination of these resources which, in 1941, supported the operations of 34,000,000 motor ve-

hicles in the United States—twice as many vehicles as in all the rest of the world combined.

Highway transportation is by far the most important method of passenger transportation, from the viewpoint of passengers carried, miles traveled, and dollars spent. At the same time transportation on the highways is by all odds the predominant method of short-run local movement for all traffic, both passenger and freight.

Now I come to the bill itself.

Section 1 redefines the term "construction" to include locating, surveying, mapping, cost of right-of-way, and the elimination of hazards at railway grade crossings. These are all essential elements of projects for which Federal-aid funds should be made available in the post-war program.

In section 2, we determine the size of the program. The bill authorizes the appropriation of \$1,500,000,000, to become available at the rate of \$500,000,000 a year for each 3 successive years. On this point, I wish to state that while the bill has been unanimously reported by the committee the gentleman from Oregon (Mr. Mort), appended to the report a statement of his individual views in which he contends that the sum authorized is inadequate.

I think that he is correct in stating that the essential needs for highway improvements exceed the program provided by this proposed authorization. I would go further than that, and state as my own individual view that the road needs are so great that we could not fulfill all of them at one time with an authorization larger than the original sum recommended. The need for replacement alone has accumulated to enormous proportions during the moratorium on road construction which began with a War Production limitation order in April 1942. It is estimated that 29,000 miles of our main highways are worn out or completely obsolete and will have to be replaced. This is a tremendous task. We have further evidence of need from the American Association of State Highway Officials, which estimated in a 1943 survey that the minimum necessary program of road construction and improvement totaled \$11,000,000,000 as of that date. The needs have increased materially since 1943.

But I do not think we should consider this legislation as being inadequate because it does not provide the full amount of money which may eventually be required. The States suggested an authorization of \$1,000,000,000 annually. The bill before us today proposes half that amount. I do not see any reason why this authorization should be considered as a ceiling on the program. I think we ought to make this authorization, and make it available to the States under the provisions of this Federal-aid bill, and see what kind of a job they do with it. Congress from time to time in the past has amended the Highway Act to provide for important new developments as progress was made in the highway transportation field. We are doing that now. It may be that in a year or two, if the program advances

rapidly and if the way is clear, that Congress can consider supplemental authorizations. The main thing now is to get a bill enacted, with an authorization sufficiently large to make possible post-war planning by the States.

There have been some—not many, but a few—who have suggested that the \$500,000,000 authorization is not too small but too large. They would not increase it but reduce it. And the argument is made that this sum, in annual authorization, greatly exceeds the annual authorizations of the past for this purpose.

The construction work provided by this bill, under regular Federal-State highway procedures, will extend over a 5-year period. Many of the States will obligate the funds over that period, with actual construction extending into additional years. We must remember, too, that the legislation now being considered will authorize funds for projects making up for at least 3 war years. For comparative purposes, therefore, the program cannot be fairly matched against any 3-year period of the past, but with at least 5 years, and, from a practical point of view, 8 years.

The record shows that Congress always has increased road authorizations when special circumstances and pressing needs made it advisable. Annual authorizations exceeding \$500,000,000 have been authorized previously for road purposes, exclusive of W. P. A. grants.

With respect to the size of the authorization, the question also arises concerning the ability of the States to match the Federal funds provided by this bill. A survey just conducted by the American Association of State Highway Officials shows that virtually all of the States report they can take up the Federal aid proposed in this bill, H. R. 4915, within the 5 years allowed and matching through normal financing methods. Only one State indicates that it is considering an increase in its highway tax rates.

It seems absolutely clear that from the statement which follows, from the American Association of State Highway Officials, together with the table, that all of the States can match the funds appropriated by the Federal Government under the terms of this bill.

NOVEMBER 18, 1944.

AMERICAN ASSOCIATION OF STATE HIGHWAY OFFICIALS

A special survey by the American Association of State Highway Officials discloses that Federal-aid authorizations provided in H. R. 4915, the post-war highway bill, can be matched by at least 44 of the 48 States within the time allowed through normal financing methods, and without increases in present highway tax rates.

Two States have not yet responded to the association's questionnaire.

This finding definitely rules out unofficial speculation to the effect that 30 States would be unable to finance the contemplated highway program.

The association directed its inquiry to the highway departments of these 30 States, and of the 28 which thus far have replied, only 1, Colorado, reports it is considering an increase in taxes because of its inability to take up the full apportionment of Federal funds within the time permitted.

The earlier speculation concerning the 30 States was based on estimated motor-vehicle revenues in 1945, 1946, and 1947, and apparently had incorrectly assumed that all the States would take up the Federal funds during those 3 calendar years.

Actually only 9 of the 28 reporting plan to do this, with 4 States spreading the program over 4 years and 6 over 5 years, as provided by this type of highway legislation. (The remainder did not indicate their financial programming by years. A State obligates its Federal-aid grant by signing a project agreement. The letting of contracts and actual construction work then follow in due course, usually requiring 1 or 2 years more.)

Another misconception dispelled by the survey is that all States which are unable to finance their share of the program entirely from current revenues assigned by statute to State highway use would be compelled to seek additional taxes.

The survey shows that 34 States (including the 18 whose ability to match is not questioned) do plan to meet their share of the program entirely from current revenues available to the State for that purpose.

But in four others bond issues will be used, and already have been authorized, while nine States report that contribution of funds from local units of government will be available for matching purposes. Both are long-established methods of financing capital improvements of major highways.

Seven States are undecided as to how they would finance the program if it got under way next year, which was assumed for purposes of making the survey. In these States the formulation of a financing program awaits final enactment of the Federal-aid law by Congress, and after that a consideration of the problem by their legislatures. But none of them foresees insurmountable difficulties and none reports plans for obtaining additional funds through increasing tax rates. Here are the seven States:

Delaware is a one-fund State, with all funds for highway work appropriated by the legislature out of the general fund. Revenues from highway user taxes in recent years have far exceeded appropriations for highway purposes.

Louisiana states that while its program is not formulated, it will not be necessary in any case to increase existing tax rates.

Maine expects to continue its State highway policy in effect for many years of issuing bonds for part of the major improvement program, but no estimates of amounts are available.

Mississippi recently set aside about \$22,000,000 to retire all nonhighway bonds, and there remains approximately \$12,000,000 in the general funds, with the Governor and legislative leaders definitely committed to provide adequate funds for matching Federal-aid highway grants.

Oklahoma will need an additional \$12,000,000. The Governor and legislative leaders are said to have given assurance that the funds necessary for matching the highway program will be provided.

Montana's current revenues assigned to the State would fall about 30 percent short of matching the total apportionment. Funds from other sources or the sale of bonds would be necessary. No estimates are given as to the amount of matching funds which may be made available from the counties or cities.

Nebraska distributes a large portion of its highway revenue among political subdivisions, and is unable at this time to estimate how much of it would be available for matching purposes. More than two-thirds of the total apportionment could be obligated from present balances and the State's share of estimated revenues.

The survey reveals numerous significant sidelights on the position of the States gen-

erally to finance the contemplated program. Bond issues have been authorized, for example, in New Mexico, South Carolina, West Virginia, and North Dakota yet the total highway indebtedness of the first three States will continue to decline. (North Dakota's position in this regard not reported.)

In Alabama the highway department reports it will be able to match H. R. 4915 from current revenues but has the authority to borrow \$2,500,000 more, if needed.

Illinois can obligate its entire apportionment in 3 years from existing balances and

current revenues, with \$100,000,000 more in the State general fund from which the general assembly could draw upon for matching purposes if necessary.

A State-by-State summary of reports from 28 of the 30 States which had replied as of November 18, 1944, appears in the attached tables. (States not reporting are Idaho and Tennessee.)

Shown for each of the 5 years, 1945 through 1949, are the estimates where given of the amount of Federal-aid funds the States would obligate (line No. 3), and the

matching amounts to be provided (line No. 4). The bill H. R. 4915 provides three annual authorizations of \$500,000,000 each, with the Federal matching share 60 percent the first year, 50 percent in the second and third years.

Another bill, S. 2105, already passed by the Senate, proposes a straight 50-50 matching basis, which would increase the States' share under the first year's authorizations. From the standpoint of the ability of the States to match, however, this is offset by a 10 percent lower authorization, the Senate bill providing for \$450,000,000 annually.

State estimates of ability to match apportionment under H. R. 4915

State	1945	1946	1947	1948	1949	Will it be necessary to issue bonds	Local contributions		Remarks ¹
							Amount	Percent of total receipts	
Alabama:	1,000 dollars	1,000 dollars	1,000 dollars	1,000 dollars	1,000 dollars		1,000 dollars		
Apportionment.....	10,406	10,406	10,406			No.....	17,390	36.7	Matching requirements can be met from current funds. The State has authority to borrow \$2,500,000, if necessary, to match Federal aid.
Matching funds required.....	6,937	10,406	10,406						
Amount to be obligated.....	10,406	8,000	10,000	2,812					
Matching to be provided.....	6,937	8,000	10,000	2,812					
Arkansas:									
Apportionment.....	8,186	8,186	8,186			No.....	1,540	3.7	Matching requirements can be met from current funds by 1949.
Matching funds required.....	5,457	8,186	8,186						
Amount to be obligated.....	4,912	4,912	4,912	4,911	4,911				
Matching to be provided.....	3,274	3,821	4,912	4,911	4,911				
Colorado:									
Apportionment.....	7,757	7,757	7,757						State cannot match with present highway balances plus current revenues. Under present tax rates, they anticipate that \$10,666,400 would remain unmatched at the end of 1948. The State highway authorities plan to ask for an increase from 4 to 5 cents in the gasoline tax rate, and an increase in registration fees.
Matching funds required.....	4,115	5,933	5,933						
Delaware:									
Apportionment.....	2,438	2,438	2,438						All State highway-user revenues go to the State general fund and all funds for highway work are appropriated by the legislature from the general fund. (In recent years revenues from highway-user taxes have far exceeded appropriations for highway purposes.)
Matching funds required.....	1,625	2,438	2,438						
Georgia:									
Apportionment.....	12,231	12,231	12,231						All State highway-user revenues go to the State general fund, and all highway expenditures are by appropriation therefrom. Highway-user revenues have been 6 to 9 million dollars greater than highway appropriations in each of the last 6 years. Highway-user revenues, if assigned to highway purposes, are sufficient to match proposed apportionments by 1948.
Matching funds required.....	8,154	12,231	12,231						
Idaho:									
Apportionment.....	5,114	5,114	5,114						
Matching funds required.....	2,240	3,148	3,148						
Illinois:									
Apportionment.....	21,876	21,876	21,876			No.....	None		Matching requirements can be met from balances now available, plus current revenues. There is at present a balance of more than \$100,000,000 in the State general fund from which the general assembly could provide additional funds if necessary.
Matching funds required.....	14,584	21,876	21,876						
Amount to be obligated.....	21,876	21,876	21,876						
Matching to be provided.....	14,584	21,876	21,876						
Indiana:									
Apportionment.....	12,104	12,104	12,104			No.....	None		Matching requirements can be met from present balances, plus current revenue.
Matching funds required.....	8,069	12,104	12,104						
Amount to be obligated.....	12,104	12,104	12,104						
Matching to be provided.....	8,069	12,104	12,104						
Iowa:									
Apportionment.....	11,598	11,598	11,598			No.....	None		Matching requirements can be met from present balances, plus current revenue.
Matching funds required.....	7,732	11,598	11,598						
Amount to be obligated.....	11,598	11,258	5,532	2,711	3,695				
Matching to be provided.....	7,732	11,258	5,532	2,711	3,695				
Kansas:									
Apportionment.....	11,078	11,078	11,078			No.....	4,500	11.6	The State can match proposed Federal aid by extending the matching period into 1948 and 1949.
Matching funds required.....	7,385	11,078	11,078						
Amount to be obligated.....	11,078	11,078	11,078	5,920	5,676				
Matching to be provided.....	7,155	4,670	5,920	5,920	5,676				
Louisiana:									
Apportionment.....	7,732	7,732	7,732			Yes.....			The State at present has legislative authority to issue bonds for the purpose of matching part of the funds proposed under pending Federal legislation. Formulation of a complete financial program will have to be deferred until after pending Federal legislation is acted upon, but in any case it will not be necessary for Louisiana to increase existing highway-user tax rates.
Matching funds required.....	5,155	7,732	7,732						
Maine:									
Apportionment.....	4,013	4,013	4,013			Yes.....			It will probably be necessary for the State to continue to borrow part of the funds required for the construction of major highway improvements. This will be a continuation of State highway policy in effect for many years.
Matching funds required.....	2,675	4,013	4,013						
Mississippi:									
Apportionment.....	8,705	8,705	8,705			Yes.....			The State will not be able to match proposed Federal aid from current revenue, since the counties receive a very large portion of State highway-user taxes. The State general fund, however, is in the best condition in its history. The legislature recently set aside approximately \$22,000,000 to pay off all outstanding nonhighway bonds and there remains in the general fund uncommitted a balance of approximately \$12,000,000. The Governor and the leaders of both the senate and house of representatives are definitely committed to providing adequate funds to match any Federal aid for highways which may be available, and the uncommitted balances now in the State general fund are more than adequate. The State may also consider the sale of bonds to obtain funds for highway construction.
Matching funds required.....	5,803	8,705	8,705						

State estimates of ability to match apportionment under H. R. 4415—Continued

State	1945	1946	1947	1948	1949	Will it be necessary to issue bonds	Local contributions		Remarks
							Amount	Percent of total receipts	
	1,000 dollars	1,000 dollars	1,000 dollars	1,000 dollars	1,000 dollars		1,000 dollars		
Missouri:									
Apportionment.....	14,519	14,519	14,519			No.....	None.....		Matching requirements can be met from present balances, plus current revenue. City contributions may be made if constitutional amendment to be voted on February 27, 1945, is ratified. Ratification will permit State to construct highways in urban places of 2,500 or more persons.
Matching funds required.....	9,679	14,519	14,519						
Amount to be obligated.....	10,914	13,769	14,519	4,355					
Matching to be provided.....	7,276	12,567	14,519	4,355					
Montana:									
Apportionment.....	8,093	8,093	8,093			No.....	None.....		Present State highway balances and current revenue will be insufficient to match \$8,052,000 of proposed Federal aid within 5 years. Additional revenue from other State sources will be necessary.
Matching funds required.....	4,239	6,100	6,100						
Amount to be obligated.....	2,967	3,123	4,831	2,653	2,653				
Matching to be provided.....	1,554	1,000	1,987	2,000	2,000				
Nebraska:									
Apportionment.....	8,660	8,660	8,660			No.....	None.....		\$7,853,000 of proposed apportionments cannot be matched by present State highway balances plus State share of highway-user taxes. Political subdivisions receive a large portion of Nebraska highway-user taxes and the State is unable at this time to estimate the amounts of city and county funds which may be available for matching purposes.
Matching funds required.....	5,773	8,660	8,660						
Amount to be obligated.....	6,195	3,322	2,710	2,900	3,000				
Matching to be provided.....	4,130	2,500	2,710	2,900	3,000				
Nevada:									
Apportionment.....	4,890	4,890	4,890			No.....	None.....		Matching requirements can be met from present balances, plus current revenue.
Matching funds required.....	724	940	940						
Amount to be obligated.....	4,890	4,890	4,890						
Matching to be provided.....	724	940	940						
New Hampshire:									
Apportionment.....	2,438	2,438	2,438			No.....	510	2.4	Do.
Matching funds required.....	1,625	2,438	2,438						
Amount to be obligated.....	2,438	2,438	2,438						
Matching to be provided.....	1,625	2,438	2,438						
New Mexico:									
Apportionment.....	6,542	6,542	6,542			Yes.....	None.....		State cannot match from current revenue, but intends to issue \$1,000,000 in bonds in each of the years 1945, 1946, 1947. The legislature has already authorized the issue of \$1,000,000 in bonds for 1945. (Since present outstanding highway debt is being retired at a rate exceeding \$1,000,000 per year, the net debt of the State will be reduced each year notwithstanding the issue of the additional bonds.)
Matching funds required.....	2,634	3,663	3,663						
Amount to be obligated.....	6,542	6,542	6,542						
Matching to be provided.....	2,000	3,000	3,461	1,499					
North Dakota:									
Apportionment.....	6,177	6,177	6,177			Yes.....	2,400	18.8	Matching requirements can be met by issuance of bonds already authorized.
Matching funds required.....	4,118	6,177	6,177						
Amount to be obligated.....	6,177	6,177	6,177						
Matching to be provided.....	4,118	3,088	3,089	3,688	3,089				
Ohio:									
Apportionment.....	19,397	19,397	19,397			No.....	8,663	7.1	Matching requirements can be met from present balances, plus current revenue.
Matching funds required.....	11,800	17,619	17,619						
Amount to be obligated.....	19,397	19,397	19,397						
Matching to be provided.....	11,800	17,619	17,619						
Oklahoma:									
Apportionment.....	10,581	10,581	10,581						It will be necessary to raise an additional \$12,000,000. The Governor and legislative leaders have given assurance that all funds necessary will be provided for matching any Federal highway program approved by Congress.
Matching funds required.....	6,414	9,455	9,455						
Oregon:									
Apportionment.....	7,204	7,204	7,204			No.....	None.....		Matching requirements can be met from present balances, plus current revenue.
Matching funds required.....	3,139	4,406	4,406						
Amount to be obligated.....	7,204	7,204	7,204						
Matching to be provided.....	3,139	4,406	4,406						
South Carolina:									
Apportionment.....	6,791	6,791	6,791			Yes.....	None.....		It will not be possible for the State to match from present State highway balances plus current revenue. However, authority now exists for the issue of bonds without further legislative action. The State is now retiring highway debt at a rate of approximately \$6,000,000 per year, and the net highway debt will continue to be reduced notwithstanding the issue of additional bonds to match the proposed apportionments.
Matching funds required.....	4,527	6,791	6,791						
Amount to be obligated.....	6,791	6,791	6,791						
Matching to be provided.....	4,527	6,791	6,791						
South Dakota:									
Apportionment.....	6,473	6,473	6,473			No.....	3,421	20.7	Matching requirements can be met from present State highway balances plus current revenue by extending the program through 1949.
Matching funds required.....	3,479	5,024	5,024						
Amount to be obligated.....	4,750	5,000	5,000	4,669					
Matching to be provided.....	1,000	4,000	4,400	2,288	1,839				
Tennessee:									
Apportionment.....	10,575	10,575	10,575						Matching requirements can be met from present balances, plus current revenue.
Matching funds required.....	7,050	10,575	10,575						
Texas:									
Apportionment.....	29,547	29,547	29,547			No.....	None.....		Matching requirements can be met from present balances, plus current revenue.
Matching funds required.....	19,698	29,547	29,547						
Amount to be obligated.....	29,547	29,547	29,547						
Matching to be provided.....	19,698	29,547	29,547						
Vermont:									
Apportionment.....	2,438	2,438	2,438			No.....	858	6.5	\$2,192,000 cannot be matched through 1947, but can be matched with current revenue by 1949.
Matching funds required.....	1,625	2,438	2,438						
Amount to be obligated.....	1,601	1,583	1,938						
Matching to be provided.....	1,067	1,304	1,938						
West Virginia:									
Apportionment.....	5,831	5,831	5,831			Yes.....	None.....		Matching can be met by issuance of bonds already authorized. For 20 years the State has followed the policy of issuing bonds for State highway construction. (The State debt will probably continue to be reduced notwithstanding issuance of additional bonds.)
Matching funds required.....	3,887	6,831	6,831						
Amount to be obligated.....	5,831	5,831	5,831						
Matching to be provided.....	3,887	5,831	5,831						
Wisconsin:									
Apportionment.....	11,857	11,857	11,857			No.....	5,529	9.9	State can match proposed apportionments from present State highway balances plus current revenue by 1950. (The highway department has an additional book balance with the State treasurer of more than \$30,000,000 consisting of highway-user revenues which have not been expended for highway purposes. This balance, or any portion of it, can be made available for highway construction by executive action of the Governor.)
Matching funds required.....	7,905	11,857	11,857						
Amount to be obligated.....	8,953	7,905	11,857	7,904	8,952				
Matching to be provided.....	1,977	4,941	7,905	7,904	5,928				

¹ Parenthetical statements by American Association of State Highway Officials.² 1946 and 1947 each include \$1,214,000 of unmatched grade-crossing funds.³ Approximately 10 percent of apportionment has been deducted for unmatched grade-crossing construction.

Section 3 of the bill fixes apportionment of funds among the States by formula. A committee amendment will be offered as a substitute for this section. The amendment has been unanimously approved by members of the Roads Committee, and it provides for what is called a dual formula. The effect of this amendment will be to bring the bill into line with the Senate provision, since S. 2105, the post-war highway bill already passed by the Senate, contains this dual formula.

In previous road legislation, Federal-aid funds have been apportioned among the States in accordance with a formula which gives equal weight to three factors—post-road mileage, State population, and State area. This formula has worked well over many years in the development of our rural highways. It is proposed that it be retained, so far as the funds for the regular Federal-aid system and farm-to-market roads are concerned.

But we have now reached a point where it is imperative that more emphasis be given to deficiencies in and near our urban areas, the bottlenecks of our national roads system. The classical formula does not lend itself well to this purpose. A more equitable basis for the apportionment of funds among the States for these projects is the urban population of the States. And so it is provided that those funds be apportioned on that basis—the urban population of each State, in proportion to total urban population of the Nation.

The dual formula is so called, therefore, because it has two parts. Funds for the Federal-aid and farm-to-market roads would be apportioned in accordance with the traditional formula. Funds for projects in urban areas, on the other hand, would be apportioned among the States in accordance with their relative urban populations in places of 5,000 or more. One further modification should be noted. In the case of the secondary- and feeder-road projects, only rural population would be used in the apportionment rather than total State population.

During the past year many formulas have been suggested for the purpose of accomplishing the purpose of this legislation. A great deal can be said in favor of each of them. But much more can be said in favor of the practical and tested values of the factors which over many years have proved to be effective. For this reason, Mr. Speaker, the population, post-road mileage, and area factors are retained. It is the judgment of the committee, as it was of the Senate and of most of the leading highway authorities, that the dual-formula method of apportionment will achieve the purpose which makes a change necessary at this time without sacrificing the dependable and successful values of the classic apportionment factors.

In this matter of formula we have naturally confronted the problem of resolving differences of opinion and interest. An easy way out of the difficulty would be to simply fall back on section 21—the classical formula—but this would amount to shirking the re-

sponsibility for leadership which conditions have imposed upon Congress at this critical point in our highway transportation history.

Despite the magnitude of requirements on main rural highways and local rural roads, city streets in many cases represent even higher degrees of inadequacy and often the most costly requirements for modernization. For while the recognized priority of rural highway improvement for many years necessitated principal attention to this tremendous task, the growth of urban vehicle registrations and the concentration of traffic in cities was rapidly shifting the most urgent need for highway improvement to the metropolitan areas.

Today well over half of all traffic is on city streets and in the suburban fringes about cities. In cities of over 100,000 population alone are 28 percent of our motor vehicles and 29 percent of our population.

Mr. Thomas H. MacDonald, the Public Roads Commissioner, stated before the committee that this legislation will influence the course of highway construction in the United States for the next quarter of a century. Because of the conditions brought about as result of the war, we are at a turning point in the development of roads in America. We cannot, at such a time, fail to provide legislation which will enable the country to solve these critical highway problems in urban areas. This modification of existing Federal-aid law, as proposed in the dual formula, represents a constructive and necessary step in that direction.

In section 4 the amount authorized for each year is divided into three categories. As a result of the committee's discussions, a substitute amendment also will be offered for this section, bringing the bill in line with corresponding provisions of the Senate measure, except for the amounts. Under the amendment to be offered, section 4 will divide the funds as follows:

(a) Two hundred and twenty-five million dollars annually for projects on the Federal-aid highway system.

(b) One hundred and fifty million dollars annually for projects on the principal secondary and feeder roads, including farm-to-market roads, rural free-delivery mail and public-school bus routes, either outside of municipalities or inside of municipalities of less than 5,000 population.

(c) One hundred and twenty-five million dollars annually for projects on the Federal-aid highway system in urban areas.

This section also provides for the selection of a secondary or feeder-road system by the State highway departments, in consultation with the appropriate local road officials, including county supervisors and county commissioners, subject to the approval of the Commissioner of Public Roads.

For the first time Federal aid for improvements on the Federal-aid highway system in urban areas in given specific recognition by setting aside funds solely for that work. Testimony before the committee clearly indicated the desirability and necessity of providing Fed-

eral aid for projects in urban areas where traffic bottlenecks create acute congestion and costly construction is required to provide relief from such conditions. Bypasses of cities alone will not cure the difficulty because traffic studies have demonstrated that the great bulk of travel is destined for sections will inside the cities.

Although the funds for each year are divided into three categories, a large measure of flexibility is provided. The funds for projects on the Federal-aid highway system may be used, either inside or outside of municipalities. Farm to market road projects and others in the secondary or feeder road group may be located in the rural areas or inside of the smaller cities. Projects in urban areas may be so located as to provide for bypasses around and routes into and through metropolitan areas. This flexibility will permit each State to utilize the funds to the best advantage in meeting the most important highway needs of that State.

Section 5 makes the funds authorized for the first post-war fiscal year available to pay 60 percent of the cost of any project, but for the second and third years the Federal share is restricted to the normal 50 percent. It also continues the so-called sliding scale of participation in the States which have certain public lands exceeding 5 percent of the total area of the State.

It provides further that the entire cost of projects for the elimination of hazards of railway-highway crossings may be paid from Federal funds but restricts to 50 percent the Federal participation in the costs of right-of-way and property damage on such projects.

Testimony submitted to the committee on the \$3,000,000,000 program proposed in H. R. 2426 indicated that many States would have difficulty in matching Federal aid on the normal 50-50 basis because of great reduction in their revenues due to gasoline rationing and rubber conservation. The States will also have very heavy expenditures to make in rehabilitating highways which they have been unable to reconstruct during the war and heavy maintenance on roads on which they have been unable to provide adequate maintenance. With the reduction by one-half of the amount proposed and the provision for 60 percent participation on the part of the Federal funds for the first year, the committee believes that States should be required to match the Federal funds provided for the second and third years on an equal basis.

Section 6 provides for the advancing of Federal funds to the State highway departments to be set up in a special trust account and used only in paying for work performed on the Federal-aid projects provided for in the bill. As some of the States may not have cash readily available to assume the full cost of projects while waiting for Federal reimbursement, the setting up of such trust funds by advancing a part of a State's apportionment will insure prompt payment to contractors as the work is accomplished.

A similar provision was carried in the Defense Highway Act and with the ap-

proval of the General Accounting Office and the Treasury Department a similar procedure was followed in the expenditure of the emergency funds provided under the National Industrial Recovery Act.

Section 7 provides for the designation of a national system of interstate highways of not to exceed 40,000 miles so located as to serve the national defense and to connect by routes as direct as practicable the principle metropolitan areas, cities, and industrial centers. The designation of such a system, to which I referred earlier, is in line with the recommendation made by the Commissioner of Public Roads on a report made to Congress pursuant to the provisions of section 5 of the act of July 13, 1943.

Section 8 continues the provisions under which the State-wide highway planning surveys were conducted and permits the highway research necessary in connection with the planning of future construction with Federal-aid highway funds. The facts and information developed by these planning surveys have been of very great assistance in solving highway transport problems directly related to the war effort. It is important that this work be continued and the information kept up to date.

Section 9 provides for a resumption of the highway work in the national forests following the war. Except for access roads to sources of critical materials necessary to the war effort, highway construction in the national forests has practically ceased since the war. A 3-year post-war highway program is provided for by an authorization of \$25,000,000 a year for forest highways and \$12,500,000 a year for forest development roads and trails. The apportionment for forest highways in Alaska is limited to \$1,500,000 for each of the post-war years, and the funds that would otherwise be apportioned to Alaska are to be divided among those States whose apportionment would otherwise be less than 1 percent.

Section 10 (a) provides an authorization of \$4,250,000 a year for each 3 successive post-war years for park roads and trails. Section 10 (b) provides for the construction and maintenance of parkways to give access to national parks and monuments and authorizes an appropriation of \$5,000,000 a year for each 3 successive post-war years. Construction of roads in the national parks and construction of parkways has been regularly authorized in previous Federal-aid highway legislation and this provision will permit the resumption of such work after the war.

Section 11 authorizes the Commissioner of Public Roads to cooperate with the State highway departments and any Federal agency in the location, development, construction, and maintenance of flight strips to insure greater safety for traffic on the public highways and to provide needed facilities for the landing and take-off of aircraft. Funds authorized in the act when requested by the State highway departments are made available for this work. Consultation of officials who are responsible for the construction of airports or flight strips with

the State highway departments and the Public Roads Administration is required if Federal funds are to be used for the reconstruction or relocation of any highway giving access to such airport or flight strip.

Section 12 makes a desirable start in the direction of uniformity of traffic signals, signs, and markings by directing the Commissioner of Public Roads to concur only in such installations on Federal-aid projects as will promote the safe and efficient utilization of the highways.

Mr. Chairman, during this war the place of highway transportation in America has been forcefully brought to our attention. We have learned by shortages which interfered with travel how the use of passenger cars, trucks, and busses has become essential to our business, and agriculture; to every phase of our day-to-day living.

In the America of the future, we are looking forward to an expanded economy with useful jobs and prosperity and peace. Highway transportation will have an equally vital role to play in serving the Nation in the years to come. It must be an expanded highway transportation with more capacity and more economy of travel and maximum operating safety.

But the physical plant of that system is our roads—our rural roads and city thoroughfares that at present are completely inadequate to provide the kind of a transportation service the Nation needs and desires.

We can have the kind of roads we need if we provide for their orderly and continuous improvement. That means Federal leadership and assistance. It means advance planning which takes time; planning by the States and the cities, to schedule programs, acquire rights-of-way, arrange financing, make designs.

In this bill, the Congress can give that leadership and assistance. It is urgent that we do so, without delay.

Mr. LUTHER A. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. LUTHER A. JOHNSON. I am very much interested in the farm-to-market roads, the so-called secondary roads. I think that part of the program has perhaps been neglected. Of course, the war has caused a stoppage of work of that kind.

Does the gentleman say that under this bill provision will be made for an adequate allocation for farm-to-market and secondary roads?

Mr. ROBINSON of Utah. Yes; I am glad to tell the gentleman from Texas that under this bill the farm-to-market roads have received better consideration than they have under any previous highway bill.

Mr. LUTHER A. JOHNSON. I want to express my appreciation, because I think sometimes they are inclined to think about the superhighways and forget these remote sections where the roads are very badly needed.

Mr. ROBINSON of Utah. I may also add that one of the amendments which we propose to offer as a unanimous committee amendment provides \$25,000,000

more for secondary roads than is provided for by the Senate bill.

Mr. ZIMMERMAN. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. ZIMMERMAN. I note that the bill provides for the construction of highways leading into cities to connect with our main highways. I think that is commendable. What portion of the funds for which authorization is sought will go to that development as compared with the farm-to-market roads that reach into the rural sections of America and that are now largely without any highway facilities?

Mr. ROBINSON of Utah. The urban areas receive an authorization under this bill of \$125,000,000. Secondary and feeder roads receive an authorization of \$150,000,000 per annum.

Mr. ZIMMERMAN. I want to express my appreciation of the action of the committee in recognizing the need for the extension of these farm-to-market roads which, as the gentleman has so ably said, affects the life of the communities, because they cannot have rural mail delivery, the school busses cannot operate, and they have no means of access to market. Undoubtedly it would certainly be a great contribution to rural life in America.

Mr. ROBINSON of Utah. I thank the gentleman.

Mr. VURSELL. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. VURSELL. I notice on page 4 of the report the allocation for Illinois. If I am correct, there will be an allocation of something over \$16,000,000 for urban and Federal-aid highways, with only \$5,469,000 for farm-to-market roads. We are pretty well belted with highways now in Illinois. That amount is less than one-third.

Then over in section 4 of the bill, if I read it correctly, a part of this money for farm-to-market roads can be used in the small towns and villages. If we are going to spend an enormous amount of money and continue deficit financing, as this bill seems to indicate in a very large way, I pause to wonder whether or not we are giving enough allocation to the farm-to-market roads, and I doubt the wisdom of \$500,000,000 a year, trebling the Federal aid that was set up under the old bill, which was about one-third that amount in pre-war years. We are all for good roads, but there is a question of how far we can go and how many we can get with a national debt now amounting to \$209,000,000,000.

Mr. ROBINSON of Utah. In answer to the gentleman's question, I will say the figures he has given were the figures under the old bill, which has been changed in the committee. In the committee we have adopted the very idea the gentleman has suggested. That is, giving more to the farm-to-market roads. Under this bill which we will now ask the committee to consider, we will offer an amendment which will provide more money for the farm-to-market roads.

Mr. VURSELL. If the gentleman please, the following table shows the approximate amount which each State

would receive individually under H. R. 4915; that is, the bill under consideration; and those are the figures from which I have read.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. POAGE. I wanted to ask the chairman about that very point. The gentleman has given us the amounts but I wanted to get it clear as to the method whereby we make this allocation. I understand we are going to grant an additional \$25,000,000 to farm-to-market roads, but how do you allocate the money between States? We formerly allocated it one-third on area, one-third on population, and one-third on post-roads mileage. How do you go about making that allocation now?

Mr. ROBINSON of Utah. We allocate all of the Federal aid primary money on the old basis of one-third, one-third, and one-third, as the gentleman just mentioned.

Mr. POAGE. That is for State-designated highways.

Mr. ROBINSON of Utah. And it may be used either inside or outside of urban areas. We allocate the \$150,000,000 which is for farm-to-market roads—

Mr. POAGE. Which will be \$175,000,000 will it not?

Mr. ROBINSON of Utah. No; it will be \$150,000,000. We allocate that on the same formula except that we take the rural population; so it is allocated on about the same method as the old formula. The \$125,000,000 for projects on highways in urban areas is allocated on population entirely.

Mr. POAGE. I want to get that clear; in other words, no matter what the size of the cities are, in a sparsely populated State there will not be very much allocation for the cities. Take for example, as an illustration some of these States that have large cities and a relatively small rural area; I imagine the State of Washington has its largest population in the cities of Seattle and Spokane. The gentleman's own State has a large percentage of its population—

Mr. ROBINSON of Utah. Answering the gentleman from Texas I may say that we have taken cities of 5,000 and more and we figure it on that population throughout the United States.

Mr. POAGE. Do you allocate directly to a city or do you allocate to a State?

Mr. ROBINSON of Utah. We allocate directly to the State.

Mr. POAGE. But here is the point: In my State approximately 60 percent of the population is found in rural areas. We have no cities of very large population in Texas, although Houston in size is, of course, as large as many of the cities of the East, but still they would not get as much money allocated for that city as the same city would get in a State the greater part of whose population was urban, would it?

Mr. ROBINSON of Utah. I believe we have taken pretty good care of Texas, all sections of Texas.

Mr. POAGE. I am not talking only about Texas, I am talking about Utah, Washington or any other State. I asked about Maryland; let us talk about Mary-

land because I know that in that State a very large portion of the population lives in the city of Baltimore. If, therefore, you allocate simply on the basis of city population, Maryland will get a much larger allocation than Arizona and possibly some other States where the population is scattered over a wide area.

Mr. ROBINSON of Utah. Yes; in a sense, but they have a much more acute problem than in these smaller cities. There is no question about the larger cities. The purpose of fixing this allocation as it is, is an effort to try to help the large metropolitan centers solve their problem.

Mr. POAGE. Does the gentleman mean to say the large city needs more money per capita than the small city?

Mr. ROBINSON of Utah. They get the same amount per capita.

Mr. POAGE. I always understood that the small city was the one that needed help, that the larger city with its greater population to draw on could get money enough to finance street operations.

Mr. ROBINSON of Utah. They get the same amount per capita as the small cities. Where streets are taken care of under the regular Federal-aid highway system they would have that money anyway.

I must now yield to the gentleman from Michigan [Mr. DONDERO] who has been on his feet for some time.

Mr. DONDERO. I thank the gentleman, but I believe he has partially at least answered the thought I had in mind: The vital change in this bill is in this matter of distribution, is it not?

Mr. ROBINSON of Utah. That is correct.

Mr. Chairman, I yield myself 10 additional minutes.

Mr. DONDERO. Is any change made in the method of administration? Does the Federal Government control the administration or do the States control it?

Mr. ROBINSON of Utah. The money is paid into the State through its regular organization.

Mr. DONDERO. As it is under the present law?

Mr. ROBINSON of Utah. As it is under the Federal Highway Act.

Mr. JOHNSON of Oklahoma. Will the gentleman yield for an observation?

Mr. ROBINSON of Utah. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. The gentleman has made a very informative statement. I am quite sure that those of us from agricultural sections are interested and pleased to know that the pending road bill allocates extra Federal funds for farm-to-market roads. I congratulate the chairman and his committee especially on that part of the bill. Now, there seems to be a misunderstanding in at least some quarters with reference to the funds authorized in this road bill for the cities and towns of the country. A few moments ago the gentleman from Texas made inquiry of the gentleman concerning funds allocated under the terms of the pending bill for cities and urban towns. He mentioned cities like Houston and Baltimore. Frankly, I am at a loss to know how and why such large cities as these get in on

a road bill. Will the gentleman tell us what portion of the funds authorized under this act will go to the cities or towns?

Mr. ROBINSON of Utah. One hundred and twenty-five million dollars.

Mr. JOHNSON of Oklahoma. Do the small towns, many of which are hard pressed financially, participate? Or do the cities and larger towns get special consideration?

Mr. ROBINSON of Utah. It is on the basis of population of all cities over 5,000.

Mr. JOHNSON of Oklahoma. As one who is deeply interested in more and better highways I must confess I do not see the reason for barring towns of under 5,000 from participating if any portion is to go to towns and cities. To my mind funds appropriated or allocated or authorized for highways should be on highways in rural areas such as farm-to-market roads, school-bus routes, rural mail routes, or connecting up towns and cities large and small, and not spent in the great cities of the country like Houston, Baltimore, or New York City, any one of which can well afford to pave its own streets. Is this a road bill or is it a bill to pave streets leading into the larger towns and cities of the country?

Mr. ROBINSON of Utah. This is a road bill and it is to be spent only on Federal highways.

Mr. MOTT. Will the gentleman yield?

Mr. ROBINSON of Utah. I yield to the gentleman from Oregon.

Mr. MOTT. In answer to the gentleman's statement, in which he said that \$125,000,000 would be spent in urban areas. In addition to that, under the first provision of the bill, which appears on page 4 of the bill, \$225,000,000 is allocated for projects under the Federal highway-aid system either inside or outside of the municipalities.

Mr. ROBINSON of Utah. I made that statement previously.

Mr. MOTT. So in addition to the amount that the gentleman just referred to there is as much of this \$225,000,000 which may be expended in municipalities as there is to be expended outside of those municipalities.

Mr. SMITH of Ohio. Will the gentleman yield?

Mr. ROBINSON of Utah. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. Will the gentleman explain to the committee how this road construction program is to be financed.

Mr. ROBINSON of Utah. Yes. This road program is financed by Federal funds, but may I call the gentleman's attention to the fact that the user of the highway, the man who owns the automobile pays into the Federal Treasury for the use of that automobile on our highways about \$650,000,000 a year. Therefore, we are financing our own roads and in addition we are paying into the Federal Treasury about \$150,000,000 a year in taxes. While technically it comes out of the Federal Treasury it does so because we put it in there with the understanding it shall be used for these roads.

Mr. SMITH of Ohio. Does that include the stamp tax?

Mr. ROBINSON of Utah. Yes.

Mr. SMITH of Ohio. What is the amount of the stamp tax?

Mr. ROBINSON of Utah. Five dollars, per vehicle.

Mr. SMITH of Ohio. The gentleman is not in position then to say whether outside of this stamp tax a part of this program might be financed by deficit financing?

Mr. ROBINSON of Utah. It would not be deficit financing.

Mr. SMITH of Ohio. The gentleman is including the stamp tax however.

Mr. ROBINSON of Utah. Yes, and all other excise taxes on the motor vehicle and its use.

Mr. SMITH of Ohio. So that including the stamp tax you will have sufficient funds to pay for the Federal Government's portion without any aid from the Federal Treasury, is that correct?

Mr. ROBINSON of Utah. Yes.

Mr. EDWIN ARTHUR HALL. Will the gentleman yield?

Mr. ROBINSON of Utah. I yield to the gentleman from New York?

Mr. EDWIN ARTHUR HALL. I call the gentleman's attention to page 4, line 7, and I would like to ask him what in his opinion is the extent of the authority and the influence that local communities of government, such as county supervisors, county commissioners, and other local road officials, will have in determining policy as against the Federal and State authorities?

Mr. ROBINSON of Utah. This is the first time it has ever been incorporated in a road bill. We are requiring the State people to cooperate with the county supervisors and county officials.

Mr. EDWIN ARTHUR HALL. I am glad to hear that. The reason I asked the question is that I am very much interested in successful roadbuilding, and I believe that the local authorities must have their say in order to bring success to any roadbuilding program, particularly in the rural areas.

Mr. MILLER of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield to the gentleman from Connecticut.

Mr. MILLER of Connecticut. Is it the committee's understanding that the one-half of 1 percent minimum that applied on the old program will also apply on the farm-to-market roads in this bill? I notice on the chart prepared by the Public Roads Administration that they apparently are using that half of 1 percent; for example, Hawaii and the District of Columbia. The figure amounts to \$699,000 on the farm-to-market roads. Is that the intention of the committee?

Mr. ROBINSON of Utah. That provision is in the existing law.

Mr. MILLER of Connecticut. I know it applies on the old formula, but the committee would not anticipate that there would be \$699,000 a year spent in the District of Columbia on farm-to-market roads?

Mr. ROBINSON of Utah. No.

Mr. MILLER of Connecticut. The Public Roads Administration so listed it in the chart that they have prepared, and I was wondering about it.

Mr. ROBINSON of Utah. I have not seen that chart, so I am not familiar with it. We do not have that intention.

Mr. MILLER of Connecticut. I thought there might be an error here.

Mr. CASE. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield to the gentleman from South Dakota.

Mr. CASE. I would like to ask the gentleman two questions with respect to this secondary or feeder roads provision. First, while there may be some argument for giving heavier weightage to the population factor in determining an apportionment of some of the funds, I do not follow the committee's argument with reference to the secondary or feeder roads. Why should population be weighted heavier than area or miles of roads when you are dealing with secondary and feeder roads?

Mr. ROBINSON of Utah. Population is considered.

Mr. CASE. As I understand, section 3 provides that:

The sums authorized in section 2 shall be apportioned among the States in accordance with the provisions of the Federal Highway Act of 1921, as amended, and supplemented, except that such apportionment shall be based as follows: One-half population, one-fourth area, one-fourth post-road mileage.

Mr. ROBINSON of Utah. So that the gentleman will understand, I made a statement previously that by unanimous consent the committee was introducing an amendment to this bill which covered that point, and under that amendment the apportionment would be on the one-third, one-third, one-third basis for rural areas.

Mr. CASE. That would cover all of the funds for the secondary and feeder roads?

Mr. ROBINSON of Utah. That is right.

Mr. CASE. I am glad to have that assurance. The other question is with respect to the proviso in subparagraph (b) that the State highway department should consult with the county supervisors. Does that mean that the States will set up the standards for the secondary roads, or will those standards be established by the Public Roads Administration?

Mr. ROBINSON of Utah. The States have always set up those standards, and that would continue to be the program. However, I might say this: They are subject to the approval of the Bureau of Public Roads.

Mr. CASE. The county commissioners in my district have many times told me that the reason they did not avail themselves of the opportunity to match secondary road money is that the standards set were too high in proportion to the traffic involved, and that they were so expensive that even matching funds from the county it was too costly than it would be if they built suitable and satisfactory roads in sparsely settled sections.

Mr. ROBINSON of Utah. Did they tell the gentleman who set those standards?

Mr. CASE. Yes; they finally had to be approved by the Public Roads Administration in Washington.

Mr. ROBINSON of Utah. No. Mr. MacDonald appeared before our commit-

tee on that subject and told us that the Public Roads Administration in Washington has never set standards for the secondary roads.

Mr. CASE. Their district engineers are in error on that, then, under the Public Roads Administration, because the fact is that our counties found it practically unprofitable for them to try to match the funds offered because the standards were so high that they would build a boulevard instead of a secondary road.

The CHAIRMAN. The time of the gentleman from Utah has again expired.

Mr. ROBINSON of Utah. Mr. Chairman, I yield myself 5 additional minutes.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. That arises primarily out of the fact that the funds heretofore provided were allotted to each State in very small amounts. Under this bill the largest amount ever contemplated for rural roads is provided, and inferior grades will be established so that they can be used in the counties. Thus the criticism to which the gentleman referred is obviated.

May I say further in response to the gentleman's inquiry that Federal highway aid under the bill, as agreed to by the committee amendment, will be apportioned on the basis of section 21, one-third, one-third, and one-third; but, under the amendment, the farm-to-market roads will receive a larger allocation than the one-third population, because under the amendment of the committee we limit that one-third to the rural population, and the farm-to-market distribution will be much larger than heretofore.

Mr. CASE. I am glad to have that statement.

Mr. SHEPPARD. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield to the gentleman from California.

Mr. SHEPPARD. I should like to express my appreciation to the committee for the apportionment formula reproduced on page 4 of the report and also call particular attention to the redefinition of "construction" included in the report. I think it is a very splendid approach to clearing up a misunderstanding that has prevailed heretofore. I think the committee should be complimented accordingly.

Will the gentleman yield further for a unanimous-consent request?

Mr. ROBINSON of Utah. Yes.

Mr. SHEPPARD. Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. LEA] be permitted to extend his remarks in the Record on the pending bill.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WELCH. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield to the gentleman from California.

Mr. WELCH. This enormous sum of \$1,500,000,000 which we are expected to

appropriate is predicated on providing post-war employment?

Mr. ROBINSON of Utah. It is predicated on, first, the need for highway construction. Investigation was made to find out just how much highway construction is needed at the present time, and it was determined that it would take \$11,000,000,000 to modernize our highways to meet present-day needs. Therefore, the first predication is on the necessity for good roads. In connection with that, of course, there is the problem of putting men to work after the war ends.

Mr. WELCH. Has the distinguished gentleman from Utah and his able committee, which I know worked hard and long on this bill, made a break-down showing the percentage of the \$1,500,000,000 which will be used for actual labor?

Mr. ROBINSON of Utah. It is usually considered that about 87 percent of the amount will be used for the payment of wages to labor.

Mr. WELCH. Was expert testimony adduced before the gentleman's committee to that effect?

Mr. ROBINSON of Utah. Yes.

Mr. WELCH. Is it included in the committee report?

Mr. ROBINSON of Utah. I think it is.

Mr. WELCH. It should be included in the report.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield to the gentleman from Mississippi.

Mr. RANKIN. I notice that under "Parkways" you provide for authorization of an appropriation of \$5,000,000 a year for each of 3 succeeding post-war years. As I understand, "Parkways" includes the Natchez Trace?

Mr. ROBINSON of Utah. Yes.

Mr. RANKIN. Does not the gentleman think those parkways should be entitled to a larger allocation than the amount provided here?

Mr. ROBINSON of Utah. Speaking personally, I think they should. As I recall it, this is just half of what was proposed by the Department, so that that amount was cut in half by the committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBINSON of Utah. Mr. Chairman, I yield myself 2 additional minutes.

Mr. RANKIN. So, if the Department's view had been carried out, there would have been at least \$10,000,000 authorized for these parkways; that is correct, is it not?

Mr. ROBINSON of Utah. That is right.

Mr. RANKIN. Now, with reference to the Natchez Trace particularly, which has already been authorized by law in the road bill—that is, large stretches of it—which extends all the way from Nashville, Tenn., to Natchez, Miss., I am wondering if the gentleman would support an amendment to carry out the views of the Department and increase that appropriation to \$10,000,000?

Mr. ROBINSON of Utah. Well, the gentleman realizes that I am subject to the desires of the committee, and the committee has passed upon that matter.

Mr. SMITH of Ohio. Mr. Chairman, will the gentleman yield for one more question?

Mr. ROBINSON of Utah. I yield.

Mr. SMITH of Ohio. Will this measure, if it is passed, and if the appropriation is finally made, increase the tax burden of highway users?

Mr. ROBINSON of Utah. No. I am glad the gentleman mentioned that because I have given figures here to show that it will not increase the tax burden. We had the State highway officials make inquiry of every State in the Union as to whether or not in carrying out this program it would be necessary to increase the taxes in the various States. We have heard from all of those States and have statements here which I will insert in the RECORD as part of my remarks, showing that they will not need to increase taxes; and there is only one State in the Union that is contemplating increasing its gasoline tax, although not for carrying out this program but because that particular State thinks its tax is a little under what it should be.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ROBINSON of Utah. I yield myself 2 additional minutes.

Mr. SMITH of Ohio. Does the gentleman refer to the tax on motor vehicles which goes to the State or does he refer to the tax that goes to the Federal Government?

Mr. ROBINSON of Utah. I am referring now to the contribution of these States. The State gets its money largely from the contribution of automobile users.

Mr. SMITH of Ohio. And that need not be increased?

Mr. ROBINSON of Utah. No.

Mr. SMITH of Ohio. What about the proportion that goes for Federal taxes to be applied to road construction?

Mr. ROBINSON of Utah. The amount that is paid in by the automobile users to the Federal Government exceeds the amount that is provided in this bill.

Mr. SMITH of Ohio. So the gentleman can assure us there will be no increase in that tax to the highway users?

Mr. ROBINSON of Utah. That is correct.

Mr. ZIMMERMAN. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. ZIMMERMAN. I wonder if the committee gave any consideration to the matter of placing the minimum population of our urban area at less than 10,000. That is the minimum, I believe?

Mr. ROBINSON of Utah. Mr. Chairman, we are proposing an amendment to that which will make it 5,000.

Mr. ZIMMERMAN. I think that will be very helpful because most of our cities are less than 10,000 population.

Mr. ROBINSON of Utah. We propose to amend that.

Mr. ZIMMERMAN. I am glad to know that the committee has agreed to that.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ROBINSON of Utah. Mr. Chairman, I yield myself 2 additional minutes.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. JENSEN. I am wondering why you have any limitation at all. Why not take in all the towns? Will the gentleman explain that?

Mr. ROBINSON of Utah. The reason is that this one fund is primarily for the benefit of urban areas. The urban areas need more money than they have ever needed before, due to the bottlenecks which exist as we enter and leave such areas. Therefore, the reason for basing this on city population is to give them some relief.

Mr. JENSEN. I did not quite understand why you just do not say that this money will be used, regardless of the size of the town in the urban areas.

Mr. ROBINSON of Utah. That may be done. As I recall we have not considered that feature.

Mr. JENSEN. I am trying to find out why the limit of five thousand is placed.

Mr. ROBINSON of Utah. The limit of five thousand is placed, as I understand it, for the reasons I have given.

Mr. KERR. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. KERR. In determining the amount which you ask under this bill, does that enable all the States to qualify with their present income?

Mr. ROBINSON of Utah. Yes; they can now all qualify.

Mr. HALE. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. HALE. Can the gentleman tell me about the penalties for diversion? Are they continued under this bill?

Mr. ROBINSON of Utah. Yes; they are continued.

The following amendments to the bill have the unanimous endorsement of the committee and will be introduced by me as committee amendments:

Amendment offered by Mr. ROBINSON of Utah: Page 2, line 4, after the word "of", strike out the word "ten" and insert the word "five."

Amendment offered by Mr. ROBINSON of Utah: Page 3, line 14, strike out all of section 3, and insert in lieu thereof the following language:

"SEC. 3. The sum authorized in section 2 for each year shall be available for expenditures as follows:

"(a) \$225,000,000 for projects on the Federal-aid highway system.

"(b) \$150,000,000 for projects on the principal secondary and feeder roads, including farm-to-market roads, rural free-delivery mail and public-school bus routes, either outside of municipalities or inside of municipalities of less than 5,000 population: *Provided*, That these funds shall be expended on a system of such roads selected by the State highway departments in cooperation with the county supervisors, county commissioners, or other appropriate local road officials and the commissioner of public roads: *Provided further*, That in any State having a population density of more than 200 per square mile, as shown by the latest available Federal census, the said system may be selected by the State highway department with the approval of the commissioner of public roads without regard to included municipal boundaries: *Provided further*, That any of such funds for secondary and feeder roads which are apportioned to a State in which all public roads

and highways are under the control and supervision of the State highway department may, if the State highway department and the commissioner of public roads jointly agree that such funds are not needed for secondary and feeder roads, be expended for projects in such State on the Federal-aid highway system.

"(c) \$125,000,000 for projects on the Federal-aid highway system in urban areas."

Amendment offered by Mr. ROBINSON of Utah: Page 3, line 20, strike out all of section 4 and insert in lieu thereof the following language:

"SEC. 4. After making the deductions for administration, research, and investigations as provided in section 21 of the Federal Highway Act of 1921, the sums authorized shall be apportioned as follows:

"(a) The \$225,000,000 per year available for projects on the Federal-aid highway system shall be apportioned among the States as provided in section 21 of the Federal Highway Act.

"(b) The \$150,000,000 per year available for projects on the secondary and feeder roads shall be apportioned among the States in the following manner: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the rural population of each State bears to the total rural population of all the States, as shown by the Federal census of 1940; and one-third in the ratio which the mileage of rural delivery and star routes in each State bears to the total mileage of rural delivery and star routes in all the States.

"(c) The \$125,000,000 per year available for projects on highways in urban areas shall be apportioned among the States in the ratio which the population in municipalities and other urban places, of 5,000 or more, in each State bears to the total population in municipalities and other urban places, of 5,000 or more, in all the States as shown by the latest available Federal census: *Provided*, That Connecticut and Vermont towns shall be considered municipalities regardless of their incorporated status.

"(d) Any sums apportioned to any State under the provisions of this section shall be available for expenditure in that State for 2 years after the date of apportionment, and any amount so apportioned remaining unexpended at the end of such period shall lapse: *Provided*, That such funds shall be deemed to have been expended if covered by formal agreement with the Commissioner of Public Roads for the improvement of a specific project as provided by this act."

Amendment offered by Mr. ROBINSON, of Utah: Page 5, line 15, after the word "funds" strike out the period and insert a colon and the following language: "*Provided further*, That not more than 15 percent of the sums apportioned to any State shall be used for railway-highway projects."

Amendment offered by Mr. ROBINSON, of Utah: Page 9, line 5, after the word "department", insert the following language: "not to exceed 3 percent of the."

Amendment offered by Mr. ROBINSON, of Utah: Page 9, line 11, after the word "facilities", strike out the period and insert a colon and the following language: "*Provided*, That the expenditure of Federal funds for flight strips under this section shall be subject to section 303 of the Civil Aeronautics Act of 1938, as amended (U. S. C., 1940 ed., Title 49, sec. 453)."

The CHAIRMAN. The gentleman from Utah has consumed 41 minutes.

Mr. ROBINSON of Utah. Mr. Chairman, I yield such time as he may desire to the gentleman from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. Mr. Chairman, I think it is a correct statement to make

that there has been no proposal that has uniformly come before the Congress which has received more widespread approval of the membership, regardless of party, than the so-called Federal-aid highway legislation.

I feel that the same condition will exist as we consider the provisions of this important measure, which authorizes a post-war highway construction program covering a period of 3 years. We all desire very earnestly to see America continue as the No. 1 transportation nation of the world. We know that under the impact of war our roads have deteriorated, and that necessary improvements could not be made. We also well understand that when victory has come it will be necessary for this Government, working in conjunction with private industry, to lay a foundation for job security, and not pensions, for returning members of the armed forces.

I believe road building legislation presented to the Congress at this time, will provide hundreds of thousands of workers with gainful employment and be most important in cushioning the reconversion period from war to peace. The distinguished chairman of the Committee on Roads has properly said that the bill has been carefully studied and is brought to the floor with the general support of the members of our committee.

Weeks and weeks of testimony were presented for all phases of Federal, State, and local governments. Organizations closely identified with highway development in this country, were heard through their representatives. In this latter group I recall especially the counsel of Charles Upham, engineer-director of the American Road Builders' Association. Members who are not familiar with his A Sound Plan for Post-war Roads and Jobs should secure and read the studies made of periods of prosperity and depression, and the remedy set forth.

West Virginia road officials, through Ernest L. Bailey and others, have made efforts to have the amount increased above the over-all figure in H. R. 4915. Mr. Bailey, State commissioner, feels the annual authorization should be increased at least to \$750,000,000. I, personally, in committee voted for a greater amount than carried in this bill. Under its approximate apportionment West Virginia will receive for its Federal-aid highway system the amount of \$2,470,000; for farm-to-market roads, \$2,078,000; and for urban highways the sum of \$812,000 for an over-all fund of \$5,360,000 annually over a 3-year building program. It costs much money in our mountainous country to construct adequate highways.

Mr. Chairman, during the reading of the bill for amendments, I shall offer at least two—one dealing with flight strip construction jurisdiction, and the other with the subject of Federal requirements as to road widths, and so forth. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. MOTT. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, I presume every Member of this House is familiar with the basic principles and provisions of the bill which is now before us for consideration. For nearly 30 years the Roads Committee of the House annually or biannually has submitted to this body a bill providing for Federal aid to the States for road building. The basic legislation, by general agreement, is considered to be the soundest of all methods of cooperation between State and Federal agencies in the bringing about of useful projects.

This bill authorizes a considerably larger amount of money for Federal aid to the States in road building than any other previous bill. It provides for the expenditure of a half billion dollars per year for a period of 3 years. The bill does not change in any very essential way any of the basic principles of the established Federal-aid road policy. For that reason, and because I have always been in favor of increasingly large Federal contributions to the States for road building, I would say that this is a very excellent bill.

This bill, however, is more than simply a regular road bill which the Committee on Roads of the House submits to this body periodically, because the purpose of it is to provide for a post-war road-construction program. The committee held hearings extending over a period of several months. Something more than 100 witnesses from all of the 48 States of the Union were examined, and we had the benefit of the best expert road opinion in the country.

It was almost the unanimous opinion of all these witnesses that the minimum amount required to undertake this post-war road-construction program would be \$3,000,000,000 expended at the rate of \$1,000,000,000 a year. After the hearings were concluded a majority of the committee decided that this amount should be cut in two; and over my own individual protest, and that of a few of my colleagues the bill was reported out carrying only one-half of the original amount or, \$1,500,000,000. To the committee report, therefore which, as the chairman has said correctly, is a unanimous report, I have thought it proper in the circumstances to append some individual views, which I am going to take the liberty of reading to you, because they are brief, and I hope that the arguments contained in these views may be considered sufficient to support an amendment which I intend to offer, to increase, at least by a modest amount the sums authorized in this bill. In my individual views attached to the committee report I said:

I shall support H. R. 4915 solely for the reason that it is essential that legislation providing for a post-war highway construction program be enacted at this session of the Congress. I feel constrained, however, to state here that the bill, as reported from committee, in my opinion, is wholly inadequate to meet proven post-war highway needs. It is my opinion, further, that there is no sufficient reason or excuse for this inadequacy, because the entire testimony presented at the committee hearings clearly disclosed (1) that the minimum amount required for an adequate post-war highway

program would be \$1,000,000,000 per year for 3 years; and (2) that the financing of such a program would be economically feasible and would not result in an undue tax burden on the people who are to benefit by the legislation.

When introduced the initial legislation (H. R. 2426) provided \$1,000,000,000 annually for the 3 successive post-war years. Throughout the course of the hearings there was complete unanimity as to the justification and appropriateness of this amount. Over a hundred witnesses appeared before the committee and presented incontrovertible testimony regarding post-war highway requirements. As the record will disclose, these witnesses established beyond question that the minimum amount of Federal funds necessary to support a post-war highway program of adequate proportions would be a billion dollars for each of the 3 successive post-war years. The action of the committee in cutting this authorization in half is not supported by the record, and it constitutes nothing more than a purely arbitrary finding. Such arbitrary findings fail to take cognizance of the basic problems involved in this legislation, the result of which would be a niggardly approach to a problem of extreme national implications.

Mr. BROWN of Georgia. Will the gentleman yield?

Mr. MOTT. I yield to the gentleman from Georgia.

Mr. BROWN of Georgia. Does not the gentleman think it is going to be very difficult for some of the poor States to match the amount they are going to receive under this bill now?

Mr. MOTT. No; I will say to the gentleman I do not think so. That question was gone into very thoroughly in committee and it was shown that some of the States, for the first post-war year, may have difficulty in matching on a 50-50 basis, and for that reason the old established matching formula was changed so that the Federal Government would contribute 60 percent and the States 40 percent for the first post-war year. It was the opinion of the highway commissioners of those States that the so-called poorer States could do that without difficulty.

Mr. BROWN of Georgia. May I call the gentleman's attention to the fact that some of the Members have made the statement on the floor that the main purpose of this bill is to give employment. If that be true, and if some of these poor States cannot match these funds, they will not have employment for the returning soldiers in their respective areas.

Mr. MOTT. The gentleman asks two questions. One is whether the States could afford to match on a 60-40 basis. My reply is that the highway commissioners from those very States said they could. As to the second question the primary purpose of this bill is post-war road construction. It is also calculated to help take care of an unemployment situation, which may develop. But that is a secondary purpose. It is generally believed that there will be an era of unemployment in which the Federal Government will have to contribute some sort of aid. It has been demonstrated year after year that no Federal activity supplies, dollar for dollar, as much aid to labor as does the construction of roads. The bill, therefore, is perfectly

sued to unemployment relief. Does that answer the questions?

Mr. BROWN of Georgia. Yes.

Mr. MOTT. May I proceed with this minority report, or, rather with this statement of individual views? And I hope I may have the attention of all Members because this is the argument upon which I am going to base my contention that the authorization should be increased.

Witnesses from the 48 States and Territories presented detailed data regarding highway requirements, the total of which involved over \$11,100,000,000. That means it will require \$11,000,000,000 to bring the highway system of the United States up to the point where it should be at this time were it not for the deterioration of these roads caused by war usage and the fact that during the war we could neither afford the manpower nor labor to keep them up. So it is going to take \$11,000,000,000 to put the roads even in the condition that they ought to be normally at this time, to say nothing of taking the first forward step in an expanded road program which the traffic needs of this country after the war will require.

Other competent witnesses placed the total highway needs of the Nation in the neighborhood of \$16,000,000,000. Practically without exception, the witnesses appearing before the committee emphasized the absolute need of at least \$1,000,000,000 annually in Federal aid to support the post-war highway program. Witness after witness admonished the committee that unless a Federal-aid program of such proportions is established we will not be able to even approach post-war highway requirements and face a break-down of the highway transportation system.

Of equal importance was the wealth of testimony before the committee regarding the economic aspects of post-war construction. Witnesses representing the Federal Government, States, counties, and cities, as well as the highway users, labor, and industry warned the committee that unless we make adequate preparation now we face the return of the Work Projects Administration or even something worse in the post-war era.

According to the testimony of these experts the authorization of only \$500,000,000 a year would be but a pitiful approach to a problem of tremendous proportions.

Much has been said regarding the size of the national debt as contrasted with the favorable financial conditions of the several States. In this connection, however, it may be pointed out that a Federal-aid authorization of a billion dollars a year for each of the 3 post-war years would have very little, if any, effect on the size of the national debt. Highway improvements may be truly classed as self-liquidating projects and according to competent authorities receipts from Federal excise taxes during the post-war period will be sufficient to meet the expenses of a program twice the size of the one contemplated under H. R. 4915.

That means that the Federal revenue from gasoline and other automotive

taxes after the war will be more than a billion dollars a year, so that the roads themselves, if this were a \$3,000,000,000 program, as I believe it ought to be, would be completely financed by the road users of the several States themselves without any burden at all upon the general taxpayers.

In fact, the amount provided in H. R. 4915 would not even equal the annual rate of Federal collections from highway users based on the 1942 level. For the fiscal year 1942 the receipts from Federal excise taxes on motor vehicles, gasoline, oil, and so forth, totaled \$626,327,000, which is over \$126,000,000 more than the annual amounts authorized in the bill under consideration. There is no question but that the number of vehicles and vehicle use will increase substantially following the war. This, of course, means substantially increased returns to the Federal Government from the various taxes now levied on motor vehicles and motor-vehicle use.

Accordingly, the amounts of Federal aid provided in H. R. 4915 are protested as being wholly inadequate and the recommendation is made that Federal aid for post-war highway construction should be fixed at the minimum of \$1,000,000,000 per year.

As I said a moment ago, it would be futile to argue about the virtue of the general policy of Federal aid to States in road construction. There has never been any question as to its propriety or its necessity at all. There has been some question as to the method or the formulas by which this money ought to be allocated, and there have been some changes made here in this bill to meet those questions and objections. But fundamentally there is no legislation which has ever received such unanimous approval either from the Congress or from the country as the Federal-aid road legislation.

Now, Mr. Chairman, I want to say that in the opinion of most of us there will be an unemployment problem after this war. It has been demonstrated, as I stated a moment ago, that no form of Federal aid, so called, gives a greater proportion of the dollar to labor than does highway construction. Some have different opinions upon that during this debate. But year after year the Roads Committee had the statistics from the experts, and I believe the Roads Committee of the House knows what it is talking about when it makes this statement officially in its report on this bill.

Now, I believe, on account of the probability of a huge unemployment problem, that not only will \$3,000,000,000 be spent in road construction during the 3 years following this war, and that is twice as much as is provided in this bill, but I would not be at all surprised if in the 3 or 4 years following this war the United States spent \$6,000,000,000 in road construction. If that is the case, why should we not at this time authorize the expenditure of this money by mandatory law? Why should we not take care of it in this post-war road-construction bill? Let me tell you one reason why we should do that.

All of the money provided in this bill for Federal aid to States in road construction must, as you know, be spent under the provisions of mandatory, statutory law. The formula for allocations and expenditures is all laid down in this bill, as it has been in every road bill every year for 20 years. Under this bill Federal agencies and Federal agents and bureaucrats have absolutely no discretion as to how the money authorized by this bill is to be spent, or where it will be spent, or when or for what purpose. The Congress of the United States determines that, and no one else has anything to do about it.

Now, if we enact at this time an inadequate post-war highway-construction bill, and if need for relief on account of unemployment develops soon after the war, what is going to happen? The same thing is going to happen which happened in the depression days. We are going to revert to the system of road building through an agency something like W. P. A. No one who has ever had any experience with W. P. A. in road building wants anything of that sort to come back again, because under that system the jurisdiction is taken entirely out of the hands of the Congress, out of the hands of the highway departments of the several States, and out of the hands of the people, and is put into the hands of inexperienced, arrogant bureaucrats. Everyone, I am sure, wants to prevent that.

It would at least do no harm, therefore, as long as we are going to have a road-building program, to provide for it adequately now in this post-war highway-construction bill, and make the entire program not only an adequate one but a mandatory one under law, and not a discretionary one to be administered by some Federal agent.

Mr. Chairman, I am in favor of this bill as far as it goes. It is the largest and the best Federal-aid highway bill the Committee on Roads has yet reported to the House; but because the purpose of it is for post-war highway development, which we know will require much more than this bill provides, I think the amount should be increased at this time. When the bill is read for amendment, I trust very much that a majority of the Members of the House will favorably consider a proposal for an increase in the amount presently provided.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. MOTT. Mr. Chairman, I yield myself 5 additional minutes.

Mr. WELCH. Mr. Chairman, will the gentleman yield?

Mr. MOTT. I yield to the gentleman from California.

Mr. WELCH. Is it a fact that no road can be built in any State in the Union under the provisions of the pending bill unless that road has first been made a part of the State highway system by National and State legislation?

Mr. MOTT. No; that is not the case. The highway commissions of most States—at least in my own State it is the case—may, without any act of the legislature, include any road they

please; but, besides those directly under the jurisdiction of the highway commissions of the States, we provide in here for farm-to-market roads, for school-bus roads, for post roads, and for other roads which are named in the bill and which may benefit under the provisions of it.

Mr. WELCH. It first would have to be made a part of the State highway system by act of the legislatures of the several States?

Mr. MOTT. Perhaps your State may require an act of its legislature for that purpose. In my State, we do not need a legislative act.

Mr. WELCH. Perhaps, I will say to my friend, his State is an exception. I am agreeably surprised to know that that is the case.

Mr. MOTT. The State of Oregon is very progressive in all fields of legislation.

Mr. WELCH. Indeed it is. I had the pleasure of passing through the gentleman's beautiful and progressive State recently.

Mr. MOTT. I yield to the gentleman from Michigan.

Mr. MICHENER. As I understand, this is primarily and really a post-war measure?

Mr. MOTT. That is correct.

Mr. MICHENER. No roads can be built under this measure until after the war?

Mr. MOTT. That is correct.

Mr. MICHENER. Now the question is, Is the bill mandatory? Must the roads provided for in this bill, and the money authorized to be appropriated by this bill, be used immediately after the war?

Mr. MOTT. Well, in that respect, of course, it is not mandatory. If this bill becomes law and the State of Michigan refuses its allocations, the amounts of which are noted in the report, the State of Michigan could say "Well, we do not care to come in; we do not want any of the money." There is nothing under Federal law which can compel the State of Michigan to accept any of this money. But if the State of Michigan did not accept it, it would go to some other State which would accept it.

Mr. MICHENER. That is the point. If the State of Michigan did not desire to use the allocation which is made today immediately after the war, but wanted to delay the building of the State roads for a year or two, could the State of Michigan do that?

Mr. MOTT. Yes; it could do that.

Mr. MICHENER. Or would the money allocated to the State of Michigan in the first instance revert back to the general fund?

Mr. MOTT. No.

Mr. MICHENER. Would it revert back into the general fund if the State of Michigan did not use the money instantaneously?

Mr. MOTT. No; it would not. The statutory limitation is 2 years. And, if in the meantime anything should develop, as has happened in a number of instances, which would make it impossible for the State to use the money within that time, the Committee on

Roads would write a provision in the next bill giving that State additional time, because the money really belongs to the State to which it is allocated, and it is only when the State definitely says that it does not want the money that it would revert to the Federal Treasury.

Mr. ANGELL. Mr. Chairman, will the gentleman yield?

Mr. MOTT. I yield to the gentleman from Oregon.

Mr. ANGELL. I have a telegram from Mr. R. H. Baldock, the State highway engineer of our State, who, as the gentleman knows, is a very efficient man in road work, and he suggests that this allotment should be increased at least to \$700,000,000 a year. What is the gentleman's idea of that?

Mr. MOTT. Of course, the proposal which I made to the committee was that we increase it to a billion dollars a year. I frankly admit I did not get very much support from the committee. But as I say, I intend to offer an amendment to increase it to whatever amount I think a majority of the House will agree to.

Mr. ANGELL. I may state further, he also makes a suggestion that the matching rate should be in the proportion of 60 percent for the Federal Government and 40 percent for the States.

Mr. MOTT. Well, it is, under the present bill, for the first year.

Mr. ANGELL. It covers that?

Mr. MOTT. Yes. For the second and third year it is 50-50.

Mr. COLE of Missouri. Mr. Chairman, will the gentleman yield?

Mr. MOTT. I yield.

Mr. COLE of Missouri. Section 4, paragraph (c) of this bill, provides \$150,000,000 for projects on the principal highways in urban areas on the Federal-aid highway system. I wonder if that is broad enough to include the construction of viaducts over railway crossings within urban areas?

Mr. MOTT. Well, it would be, but there is another provision here for the elimination of grade crossings.

Mr. COLE of Missouri. Within urban areas?

Mr. MOTT. Within or without urban areas.

Mr. COLE of Missouri. Within cities of more than 10,000 population?

Mr. MOTT. It does not make any difference where the grade crossing to be eliminated is located. There is provision in this bill for Federal aid for the elimination of those crossings.

Mr. COLE of Missouri. I thank the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOTT. Mr. Chairman, I yield myself 5 additional minutes.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. MOTT. I yield.

Mr. HOFFMAN. If and when these highways are constructed, will they be open for travel for interstate and intrastate commerce without the payment of tolls?

Mr. MOTT. Yes; there are no toll roads provided for in this bill.

Mr. HOFFMAN. The gentleman says there is no toll?

Mr. MOTT. No toll roads are provided by this bill.

Mr. HOFFMAN. What about the American Federation of Labor Teamsters Union charging for going over the roads to get into a city? Is there any assurance that the farmers will be able to bring their produce into the cities without being required to pay a toll when they travel over these interstate and intrastate highways?

Mr. MOTT. If the A. F. of L. ever levied a toll on road users for passing over a road I can assure the gentleman it did not do so under the authority of this act or any of its predecessor acts.

Mr. HOFFMAN. The Supreme Court has legalized that collection. When you go into the cities of New York and Detroit and other such places, the Supreme Court has held they can levy that toll of \$8.42 on a small truck, and \$9.41 on a large truck. If we are going to build these highways are they going to be open to traffic by everyone?

Mr. MOTT. All I can say is to repeat that if a union did that, it did not do it under the authority of any road legislation.

Mr. H. CARL ANDERSEN. Mr. Chairman, will the gentleman yield?

Mr. MOTT. I yield.

Mr. H. CARL ANDERSEN. I note that the method of apportionment has been changed. Does that not react against the country districts?

Mr. MOTT. I think it may to a certain extent and I am not in favor of changing the formula of allocation. When the committee first began its hearings and studies on this bill it was thought that the amount would be something around \$3,000,000,000, which is many times more than had ever been authorized before. On account of the much larger amount, a majority of the committee agreed to make a concession to some of the States of small area and large population, and that concession was agreed to. I think the concession should have been withdrawn when the committee decided to cut the bill in two.

Mr. H. CARL ANDERSEN. Do the urban areas above 10,000 also come under the provisions of section A, on page 4?

Mr. MOTT. That is to be changed by committee amendment to 5,000.

Mr. H. CARL ANDERSEN. What do you intend to do there?

Mr. MOTT. Change it to 5,000.

Mr. H. CARL ANDERSEN. But nevertheless, under section A, such urban areas could also come under that first provision could they not?

Mr. MOTT. They could; yes.

Mr. H. CARL ANDERSEN. It seems to me in other words that this is a bill almost entirely for the large population centers.

Mr. MOTT. No; I would not say that. I would say the large population centers are receiving more consideration under this bill than under any previous highway bill.

Mr. H. CARL ANDERSEN. There is no question about that.

Mr. MOTT. But I would not say that the distribution is unfair.

Mr. H. CARL ANDERSEN. It certainly is if that change in apportionment goes through. The gentleman knows that.

Mr. MOTT. That is a matter of opinion. I am not in favor of changing the formula of distribution or allocation at all. All legislation, however, is a matter of compromise and we have to all agree before we can pass it.

Mr. REED of New York. Mr. Chairman, will the gentleman yield?

Mr. MOTT. I yield.

Mr. REED of New York. There was a similar bill passed by the Senate on September 15, 1944.

Mr. MOTT. That is correct.

Mr. REED of New York. Wherein do they differ?

Mr. MOTT. They differ in amount. The amount of the Senate bill is somewhat smaller. The formula for distribution among rural and urban areas was changed in the Senate bill.

Mr. REED of New York. What about the provisions for the railroads to pay 15 percent of the cost, in the Senate bill: "Provided further, That no such funds shall be available unless the railway or railways involved pay not less than 15 percent of the construction cost?"

Mr. MOTT. That is not in the House bill.

Mr. REED of New York. Does the committee contemplate trying to put it in?

Mr. MOTT. As far as I am concerned, whatever bill this House passes, as one of the conferees, I am going to insist upon the House bill and keep on insisting as long as I can, and then return for instructions, if we have trouble in retaining the House provisions.

The CHAIRMAN. The time of the gentleman from Oregon has again expired.

Mr. MOTT. I yield myself 5 additional minutes, Mr. Chairman.

Mr. COLE of New York. Will the gentleman yield?

Mr. MOTT. I yield.

Mr. COLE of New York. With regard to the funds available for grade crossing elimination, are they eligible for railroad construction, railroad diversion, which is designed to eliminate the grade crossing but which does not result in any overhead or underpass construction?

Mr. MOTT. Yes. If it eliminates a grade crossing, that project is eligible.

Mr. COLE of New York. These funds are available for grade crossing eliminations?

Mr. MOTT. In any kind of grade crossing, the highway must be changed. It must be changed to overhead or underpass.

Mr. COLE of New York. But the gentleman is speaking of the case where the highway must be changed.

Mr. MOTT. Yes.

Mr. COLE of New York. Whereas the situation I have in mind is not where the highway is changed but the railroad is changed in order to avoid the crossing.

Mr. MOTT. That question has not come up before the committee to my

knowledge but I would say that a project of that kind would be eligible.

Mr. COLE of New York. So long as the objective is the elimination of the grade crossing?

Mr. MOTT. Yes; that is correct.

Mr. SMITH of Ohio. Mr. Chairman, will the gentleman yield?

Mr. MOTT. I yield.

Mr. SMITH of Ohio. On page 4 I find this provision in the second paragraph:

(b) \$125,000,000 for projects on the principal secondary and feeder roads, including farm-to-market roads, rural free delivery mail and public-school bus routes, either outside of municipalities or inside of municipalities of less than 10,000 population.

Mr. MOTT. That has been changed to 5,000.

Mr. SMITH of Ohio. Is that a new undertaking on the part of the Federal Government? Has the Federal Government heretofore expended funds for those specific purposes?

Mr. MOTT. Yes.

Mr. SMITH of Ohio. This is nothing new?

Mr. MOTT. It is nothing new.

Mr. SMITH of Ohio. What is the amount the Federal Government has expended for these purposes? Can the gentleman tell me?

Mr. MOTT. It has depended on the amount authorized in each of the previous bills. Offhand I cannot say just what amount for this purpose was expended under the last bill. Perhaps the gentleman from Utah will recall. I do not at the moment.

Mr. ROBINSON of Utah. What is that?

Mr. MOTT. How much money was expended under the previous road bill for secondary and feeder roads, farm-to-market roads, rural delivery routes, and post roads?

Mr. ROBINSON of Utah. I believe the last bill carried \$17,500,000. It has been as high as \$25,000,000.

Mr. SMITH of Ohio. It seems to me the American Automobile Association offers some good suggestions with respect to this proposed authorization, which I shall ask unanimous consent to insert in the record at this point:

RESOLUTION PASSED AT FORTY-SECOND ANNUAL MEETING OF THE AMERICAN AUTOMOBILE ASSOCIATION, PALMER HOUSE, CHICAGO, ILL., NOVEMBER 20, 1944

FEDERAL-AID POLICY

Conditions arising from the war have confirmed the conviction of the American Automobile Association as to the soundness of the Federal-aid principle in highway construction and in its continuance as a constructive and coordinating influence in the entire road-building activity of the Nation.

At each level of government society is best served when that government administers functions in which there is a community of interest throughout its jurisdiction. Thus, in highway construction, highways which are of local importance should be the responsibility of local government; highways of State-wide importance should be the responsibility of State governments. There are also highways of limited mileage which because of their importance in the Nation's over-all needs, collectively assume national significance and for which the Federal Gov-

ernment should make financial contributions and determine standards.

Recently, however, there have emerged trends which if continued will mean the end of Federal aid as we have known and supported it, and will result in marked reduction in the importance of State highway departments, in widespread dissipation of road revenues, and in the inevitable unsound shifting of taxation and responsibility for roads from the States to the Federal Government.

The American Automobile Association strongly recommends that the following policies be made effective in the application of the Federal-aid principle:

1. *Extent of Federal aid*

A. Federal-aid highway policy should be based on transportation needs and should be confined to general-purpose roads of national significance. All such roads should be within one Federal-aid system, clearly defined and strictly limited as to mileage with proper emphasis on routes of interregional importance. There should be one agency at the national level and one agency at the State level to administer the joint Federal and State undertakings.

B. Congress should immediately direct that the Public Roads Administration, in cooperation with the State highway authorities, define and keep up to date such a system, their determinations to be based upon the highway planning surveys.

2. *Basis for Federal-State sharing of construction costs*

Federal-aid funds should be available to States on a basis not exceeding 50 percent of the construction cost, said cost to include participation in acquisition of rights-of-way.

3. *Proper source of Federal-aid revenues*

Federal aid should be a charge against general Government revenues. The amount of Federal aid apportioned in any given period should bear no relationship to the productivity of Federal excise taxes levied on automotive fuels, motor vehicles and accessories, or the motor vehicle use tax.

4. *Basis of apportionment to States*

A. The traditional formula for the apportionment of Federal aid among the States should be revised. The revised apportionment should be based on the expenditures required to maintain in each State a continuing level of improvement that will insure a balanced progress for the system as a whole.

B. Congress should direct the Public Roads Administration in collaboration with the State highway authorities to formulate and report to the Congress the necessary cost estimates for each Federal Aid Highway Act.

C. Funds apportioned to the States should not be earmarked by the Congress for application to any specific classes of facilities within the designated system.

D. Under the revised apportionment, provision should be made as heretofore for the special requirements of the public land States and as heretofore special appropriations should be made for the construction and maintenance of highways in the national parks and within national forests, including approach roads to those national parks and forests.

Mr. MOTT. A new undertaking is not provided for here in the section to which the gentleman refers. I may say, however, that the policy of the committee and the policy of the Congress from year to year has been to extend the scope of Federal aid; whereas originally the Federal-aid money was used only on main highways, now it can be used on almost any kind of highway.

Mr. SMITH of Ohio. Allow me now to reach the point I wished to raise: Is not that tantamount to the Federal

Government's absorbing additional powers and functions of the States?

Mr. MOTT. It is not; and the Federal highway legislation has always very carefully safeguarded that. The entire jurisdiction over the expenditure of the money under this legislation is in a State agency and not in a Federal agency. It is true that projects, to be entitled to Federal highway aid, must have the approval of the Federal Commissioner of Roads, but that approval is a formality. The jurisdiction is entirely within the State, where it belongs. That is the difference between road building under this kind of legislation and road building under an agency like W. P. A., which I hope never returns and which is one of the reasons why I want to see a larger appropriation made.

Mr. SMITH of Ohio. But the responsibility for raising the funds passes to the Federal Government and is lifted from the States; is not that true?

Mr. MOTT. In a sense, yes; but the road users of the States have already paid the money through taxation. The Federal Government actually expends nothing for road building; it simply takes the revenue that comes in from the road users of the several States and turns it back to the States to build roads.

Mr. MOTT. Mr. Chairman, I yield myself 7 additional minutes.

Mr. MILLER of Connecticut. Will the gentleman yield?

Mr. MOTT. I yield to the gentleman from Connecticut.

Mr. MILLER of Connecticut. I understand the \$125,000,000 for secondary roads will be increased to \$150,000,000?

Mr. MOTT. That is true.

Mr. MILLER of Connecticut. Is that an additional \$25,000,000?

Mr. MOTT. That is an additional \$25,000,000.

Mr. MILLER of Connecticut. Where is it taken from?

Mr. MOTT. It will be taken from the previous item.

Mr. MILLER of Connecticut. Will the committee amendments be placed in the Record today so that we can see them over the week end.

Mr. MOTT. That is the intention.

Mr. CALVIN D. JOHNSON. Will the gentleman yield?

Mr. MOTT. I yield to the gentleman from Illinois.

Mr. CALVIN D. JOHNSON. May I refer to the 15 percent which the railroads will be called upon to furnish under the Senate legislation? I would object to that for the reason it will mean endless litigation as to the location and the amount that is to be contributed. It will mean in many instances, if that is retained in the bill, that years will probably pass before the roads will be built. In the meantime highways could be built and employment given were this not retained in the bill. I understand there was a case in the Supreme Court of Tennessee, which case was later taken to the United States Supreme Court, in which it was decided that no State or governmental agency could set a percentage that anyone would be called upon to contribute.

Mr. MOTT. We will try to take care of that in conference when the time comes. I will insist on the provisions of the House bill.

Mr. CALVIN D. JOHNSON. If we are going to build highways, we should proceed to build them.

Mr. MURDOCK. Will the gentleman yield?

Mr. MOTT. I yield to the gentleman from Arizona.

Mr. MURDOCK. The gentleman specified that the control is not in the Federal Government but, on the contrary, that the majority of the control is in the State highway department.

Mr. MOTT. All of the actual control is in the State.

Mr. MURDOCK. I approve of that, too. In this respect the bill is like preceding legislation?

Mr. MOTT. It does not vary from preceding legislation. No State jurisdiction that has ever been retained in any previous legislation is surrendered in this one, and I hope it never will be. All of these post-war programs and all projects financed in part or in whole by the Federal Government should be under mandatory law just as it is under this bill, and these executive agencies should be allowed no discretion at all.

Mr. MURDOCK. I thoroughly agree with the gentleman. The funds that we are expending in this matter are raised locally through users of the highway?

Mr. MOTT. They are. The funds raised to finance Federal aid to States for road construction come from revenue derived from taxes upon the road users of the several States. Heretofore the amount of money paid into the Federal Government by the road users of the several States has been about twice as much as the Federal Government has expended in aid to the States for road building. That should be corrected and I think this bill is a very good place to start to correct it.

Mr. MURDOCK. The only charge that can be made of bureaucratic control in Washington is uniformity of standards?

Mr. MOTT. That is true, but there has never been any attempt on the part of the Federal Bureau of Roads to dictate policy, and as long as we have basic legislation of this kind there never will be. So far as that is concerned no one need have any fear whatever of this bill.

Mr. BROWN of Georgia. Will the gentleman yield?

Mr. MOTT. I yield to the gentleman from Georgia.

Mr. BROWN of Georgia. The money that is allotted for railroad crossings is matched by the States? I refer to railroad crossings in cities.

Mr. MOTT. It is not.

Mr. BROWN of Georgia. How do they arrive at that? Does the Government pay all of it?

Mr. MOTT. The Government does, according to my understanding.

Mr. BROWN of Georgia. That is only limited to the city areas. Does the gentleman think that is fair?

Mr. MOTT. No, not to the city areas. This grade-crossing-elimination provision applies to the elimination of grade

crossings wherever located. It does not have to be in the cities.

Mr. BROWN of Georgia. That allotment comes out of the funds allocated to the urban areas, is that right?

Mr. MOTT. No; that is separate.

Mr. BROWN of Georgia. That is a separate fund?

Mr. MOTT. Yes.

Mr. BROWN of Georgia. They have that fund in addition to any other fund?

Mr. MOTT. I do not think the rural areas will suffer at all so far as the grade-crossing-elimination provision is concerned. The provisions of highway law covering grade-crossing elimination have never been taken very great advantage of and I hope in the future that the States and the railroad companies too may take more advantage of it because it is a very necessary thing.

Mr. MILLER of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. MOTT. I yield to the gentleman from Connecticut.

Mr. MILLER of Connecticut. Would the gentleman care to comment on section 11 as to why in the road bill we go into flight strips? I notice it has reference to flight strips adjacent to public highways.

Mr. MOTT. I am in favor of flight strips, but I have already talked too long, and we are going to have an amendment bearing directly on that question.

Mr. MILLER of Connecticut. On section 11?

Mr. MOTT. Yes; it will be fully debated when we resume consideration of the bill.

Mr. MILLER of Connecticut. Is that a committee amendment?

Mr. MOTT. That is an amendment which will be offered by the gentleman from West Virginia [Mr. RANDOLPH].

The CHAIRMAN. The time of the gentleman from Oregon has again expired.

Mr. ROBINSON of Utah. Mr. Chairman, I yield 20 minutes to the gentleman from Mississippi [Mr. WHITTINGTON].

Mr. WHITTINGTON. Mr. Chairman, for years it has been the policy to pass highway authorizations every 2 years. The last authorization was passed in 1940 for the fiscal years 1942 and 1943.

Just prior to Pearl Harbor, and on December 2, 1941, the President issued an order eliminating further highway construction. Since 1940 the Congress has made authorizations and appropriations for strategic highways and for access highways as those highways are necessary to reach Army and Navy installations, critical materials and defense plants. There has thus been no ordinary or usual highway construction for the past 2 fiscal years by States or counties.

Our highways have deteriorated, and it is essential to pass highway authorizations to repair and rebuild those parts of the existing highway system that have become obsolete, and to provide for the construction that should have been made in the normal development of our highway program during the past 2 years, and for the unemployment that is to follow the war.

I believe it would be helpful if we keep in mind that the previous highway authorizations have provided from one hundred to two hundred million dollars annually for Federal-aid highways, and that no provision prior to 10 years ago was made for Federal participation in the farm-to-market roads or railway crossing eliminations. The annual authorizations for farm-to-market roads have been experimental, they have been from seventeen and a half to twenty-five million dollars, and for grade eliminations substantially from fifteen to thirty or thirty-five million dollars.

The pending bill is an authorization for the 3 years following the emergency, or, if the President should decline or fail to declare the emergency ended the Congress could provide when the 3 post-war years would begin. But the authorization is to follow the war. This is a post-war construction bill. It is well enough to keep in mind that while it is for a period of 3 years, none of the funds will lapse for 2 additional years, so that the States in reality will have 5 years in which to match the funds. Under existing highway legislation the Federal Government matches the State money, but the local interests are required to furnish the rights-of-way.

All States are treated alike. All are required to match. Some may spend more for highways than others, but through the years it has been the virtue of Federal-aid highway legislation that no partiality has been shown and all States have been treated alike. Some State highway commissions have taken over the county roads. They might thus show that all highway collections are expended for highway purposes. In other States the counties or districts would expend funds in addition to those accruing to the highway commission, but the virtue I emphasize of Federal-aid highway authorization is that all States are treated alike and all are required to match.

The Federal Government pays the entire cost of the construction of railway grade-crossing elimination under existing law, and under the bill reported by the committee.

The bill under consideration is a forward step. It provides for the Federal Government's contributing 60 percent of the cost of construction for the first year following the war and for matching the 50 percent thereafter on Federal-aid and rural roads and in urban areas. There is a reason for this provision. Our highways have been used largely for defense purposes. They have been used in the war. They have been used for our common country. The Federal Government ought to participate for the first year in repairing and rehabilitating them at least 10 percent in excess of the normal amount that has been contributed by the Government.

Following demobilization there will be unemployment, and the economists tell us that construction is the real key to employment. The difference between good times and bad times is ordinarily a difference in employment. While many statements have been made as to the

amount of highway funds accruing to labor in normal times as well as in the peace to follow the war, I think it a fair statement and a fair estimate to say that 75 percent of all of the money appropriated for highway construction ultimately goes to salaries and labor, either directly or indirectly.

The bill as reported to the House, as amended by the committee under amendments agreed to, is I repeat, a forward step in highway legislation.

During the depression relief funds were appropriated by the billions of dollars, and approximately one-half of all of those relief funds were expended in the building of streets and of roads—rural roads in the country, streets in the municipalities. This bill is intended to rehabilitate our highways, to eliminate the necessity for relief appropriations, and to provide for sound employment following the war. Instead of rural roads being constructed by day labor, and instead of streets being so constructed, we would utilize contractors and competitive bids, and the country will get a lot more in the way of streets and roads at a lot smaller price than was the case during the emergency, or depression.

Of our Federal highway system of 231,000 miles, 27,000 miles are obsolete. It is not necessary to travel very far from Washington to find that out and to verify that fact; 222,000 of these 231,000 miles have been improved. In many cases these improvements are inferior. There is need for better rural highways. The remainder should be improved, and as I have said, many thousands of miles must be rebuilt.

We have approximately 2,406,000 miles of farm-to-market roads. Less than 25 percent of these have been improved. One of the great objectives of this legislation is to provide a sound system of farm-to-market roads. All projects—urban, local, or State—are initiated by the city, by the county supervisors, or by comparable authority, or by the State highway commissions, but they have to be approved by the Federal Commissioner of Roads. That is the principal reason the Government has invested in the laboratory for experimenting as to the types of highway construction probably in excess of \$500,000. Prior to Federal aid there were different types of highways in all the different States. One of the best results of Federal aid has been to improve the types of construction. The Federal Commissioner of Public Roads in the very nature of the case profits from construction in all the States and under all conditions. The experimental plant is of use in improving the types of construction. Federal aid has resulted in better roads, in the elimination of curves, in the widening of highways, and in the general improvement of the type of construction. It has resulted in roads costing a lot less than they formerly cost where there was no Federal approval or cooperation.

It has been suggested that the type of secondary roads should be left to the counties and to the States. In my judg-

ment, that would be a mistake, for two reasons. In the first place, the Federal Government is contributing under the terms of this bill, 50 percent of the cost of those roads. In the second place, the Federal Government, with its experience, will enable the localities to construct a very much higher type of road for their money than the counties themselves could construct, without the experience of all the other 48 States, in the very nature of the case. Wherever the Federal Government expends money it should follow that money with Federal supervision or cooperation.

I want to call attention to a departure in Federal-aid highway legislation in this bill. It provides that the Federal Government should pay one-half the costs of rights-of-way. Heretofore, as I have said, local interests have furnished the rights-of-way. We think there is a reason for this change. Often higher prices for rights-of-way were paid for the investment of Federal and State funds than were necessary. We believe Federal cooperation and supervision will result in an economy in this regard. Then again if the Government pays part of the construction, there is no reason why it should not pay part of the costs of rights-of-way.

There is a second outstanding provision in the bill under consideration. I would like Members to give attention to this statement. I think I can put it concretely so that much of the misapprehension and misunderstanding, with respect to this legislation, may be dissipated. This bill authorizes annual appropriations of \$500,000,000—\$225,000,000 for Federal-aid highways. Under an amendment proposed and agreed to by the committee, those funds will be distributed as they have been since the Federal-aid highway program was initiated; that is, one-third, one-third, and one-third. Secondly, it provides, as I said a few moments ago, for the first time for an adequate authorization for a system of farm-to-market roads used by rural carriers, by school busses, and by farmers to transport their products to market. There is carried \$150,000,000 for that purpose. Three hundred and seventy-five million dollars, therefore, are provided for the same purposes for which highway legislation has heretofore been authorized, with this additional advantage to the farm-to-market roads. Heretofore, farm-to-market roads have been allocated to States on the basis of one-third population, one-third area, and one-third rural mileage. There will be a larger allocation under the terms of the bill as amended by the committee amendment, which was unanimously agreed to, to the extent that rural areas will receive a larger distribution, and more mileage than they would under the old ratio of one-third, one-third, and one-third. Now then, if we stop right there, we would have under the terms of this bill, a fairer and better allocation and authorizations for Federal-aid highways and farm-to-market roads than we have ever had.

But there is another problem. While I am from an agricultural State, and while I represent a cotton district, largely, I know that the millions and billions of dollars, during the depression, were spent very largely in the great cities of the country, in the metropolitan areas. When we think of employment in the countryside, we must in all fairness, provide for employment in the cities. The cities are not in as excellent financial condition, particularly the larger ones, as has been suggested during the course of this debate.

We had the mayors from Boston to Los Angeles, from Portland to Jacksonville, before our committee. The truth of the matter is that the small municipalities are in far better financial condition, as a general rule, according to the testimony submitted to our committee, than the larger municipalities.

Now, shall we repeat the work-relief program of the depression in those municipalities or shall we provide for a system of sound public works so that the taxpayer can get a dollar for every dollar expended? That is the reason for adding to the usual \$375,000,000 an additional \$125,000,000 for the urban areas of our country. I think it is fair. I think it is just. Whatever criticisms have been made by those who spoke for the rural areas, please keep in mind that under the terms of this bill the rural areas get \$375,000,000 under more favorable conditions and terms than they have ever received any Federal aid money heretofore.

There is another reason for the passage of this bill before the Congress adjourns. As I have said, there have been authorizations every 2 years. Forty-four or forty-five of the State legislatures convene in 1945. They usually convene in January and February. They must make provision for matching these funds at these sessions of the legislatures. It is time during the war to prepare for unemployment after the war. In war we must prepare for peace, and plans and wise and sound adequate public projects, not to compete with private construction, should be provided by the Government, by the States, counties, and municipalities now for the days that are to follow the war.

We must not wait until the emergency arises. There would be a repetition of the waste and extravagance when there were no matured plans during the depression. The Congress has provided that Federal-aid funds shall be utilized, those heretofore authorized, in the making of plans for the construction of Federal-aid and urban highways and farm-to-market roads.

There is another constructive provision in this bill which provides for the inter-regional system. There may be some misunderstanding about that provision. That system is to be agreed to by the State highway commissions and the Commissioner of Public Roads. It will largely be existing Federal-aid highways, but, those will be 40,000 miles where one-fifth of all the traffic is carried on one one-hundredth of the road mileage of the

Nation. That is an important matter. There will be a high type of construction along those regional roads. It is time for us to prepare for the days ahead, because the highways will be utilized more and more following the war than ever before.

This bill contemplates, as I have said, \$500,000,000 annually. It is self-liquidating. The funds from gasoline and motor and similar taxes for the fiscal year ending June 30, 1942, aggregated \$667,000,000. I think the Committee on Public Roads is to be commended for reporting this bill in the sum of \$1,500,000,000 rather than for \$3,000,000,000 requested by the 48 highway commissions of the United States.

Representatives of the highway commissions of practically every State in the Union appeared before the committee. The highway associations recommended an authorization of \$3,000,000,000. They showed it would take \$11,000,000,000 to meet the highway needs. They recommended that 45 percent be allocated to Federal-aid highways, 25 percent to farm-to-market roads, and 30 percent to urban areas, including cities of 10,000 and more inhabitants. One of the ranking minority members of the committee insisted upon the three-billion authorization. The ranking minority member insisted that authorizations be delayed for the present. The committee undertook to compose differences. The bill provides for one and one-half billion in authorizations, increases the authorization for farm-to-market roads, and decreases the percentage allotted to urban areas. I believe that the bill is fair to the Government, the States, and the cities. The hearings were exhaustive. With the exception of about 5 States, the highway commissions through their spokesmen testified before the committee that at least \$3,000,000,000 should be authorized for construction of highways in the 3 years following the war.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. ROBINSON of Utah. Mr. Chairman, I yield 15 additional minutes to the gentleman from Mississippi.

Mr. WHITTINGTON. The gentleman from Oregon [Mr. Mott] has been perfectly frank. He was the only member of the committee who was willing to go along with the State highway commissioners in authorizing \$3,000,000,000. This bill was reported in June. The Senate passed a similar bill in September of this year. The Senate authorization is \$450,000,000 annually, or \$50,000,000 less than our authorization, but the authorization of the House makes much better provision for Federal-aid highways and for farm-to-market roads, in my judgment, than the Senate bill, and on very much better terms.

I should like for the information of the House at this time to insert under leave heretofore granted me a table at this point in my remarks showing the amount that will accrue to each of the States under the allocations under the bill as reported by the committee in June of this year:

(Thousands of dollars)

State	Federal-aid highway system	Farm-to-market roads	Urban highways	Total
Alabama.....	4,683	2,601	3,122	10,406
Arizona.....	2,630	1,461	1,753	5,844
Arkansas.....	3,684	2,046	2,456	8,186
California.....	9,560	5,311	6,374	21,245
Colorado.....	3,490	1,939	2,328	7,757
Connecticut.....	1,739	966	1,160	3,865
Delaware.....	1,097	610	731	2,438
Florida.....	3,194	1,775	2,328	7,297
Georgia.....	3,504	3,058	3,669	12,231
Idaho.....	2,302	1,278	1,534	5,114
Illinois.....	2,844	1,469	6,563	21,876
Indiana.....	5,447	3,026	3,631	12,104
Iowa.....	5,219	2,900	3,479	11,598
Kansas.....	4,986	2,769	3,323	11,078
Kentucky.....	4,305	2,392	2,869	9,566
Louisiana.....	3,479	1,933	2,320	7,732
Maine.....	1,806	1,003	1,204	4,013
Maryland.....	2,111	1,173	1,408	4,692
Massachusetts.....	3,953	2,196	2,636	8,785
Michigan.....	7,258	4,033	4,899	16,130
Minnesota.....	5,075	3,153	3,785	12,613
Mississippi.....	3,916	2,176	2,613	8,705
Missouri.....	6,533	3,630	4,356	14,519
Montana.....	3,642	2,023	2,428	8,093
Nebraska.....	3,897	2,165	2,598	8,660
Nevada.....	2,200	1,223	1,467	4,890
New Hampshire.....	1,097	610	731	2,438
New Jersey.....	3,832	2,129	2,555	8,516
New Mexico.....	2,944	1,635	1,963	6,542
New York.....	13,588	7,549	9,058	30,195
North Carolina.....	5,518	3,065	3,678	12,261
North Dakota.....	2,780	1,544	1,853	6,177
Ohio.....	8,729	4,849	5,819	19,397
Oklahoma.....	4,762	2,645	3,174	10,581
Oregon.....	3,242	1,801	2,161	7,204
Pennsylvania.....	10,906	6,058	7,270	24,234
Rhode Island.....	1,097	610	731	2,438
South Carolina.....	3,056	1,698	2,037	6,791
South Dakota.....	2,913	1,618	1,942	6,473
Tennessee.....	4,759	2,644	3,172	10,575
Texas.....	13,297	7,386	8,864	29,547
Utah.....	2,124	1,180	1,416	4,720
Vermont.....	1,097	610	731	2,438
Virginia.....	4,171	2,317	2,782	9,270
Washington.....	3,362	1,868	2,241	7,471
West Virginia.....	2,624	1,458	1,749	5,831
Wisconsin.....	5,336	2,964	3,587	11,857
Wyoming.....	2,204	1,225	1,469	4,898
Hawaii.....	1,097	610	731	2,438
District of Columbia.....	1,097	610	731	2,438
Puerto Rico.....	1,589	883	1,059	3,531
Reserved for administration and engineering.....	5,625	3,125	3,750	12,500
Total.....	225,000	125,000	150,000	500,000

Then I should like to insert as part of my remarks a table showing the allocations that will accrue to each of the States under the bill as amended unanimously by the committee in amendments that have been submitted to the Committee of the Whole by the chairman of the committee:

Approximate apportionment of \$500,000,000, Federal-aid highway system, section 21 of Federal Highway Act—farm-to-market roads, one-third area, one-third rural population, one-third post roads; urban highways, population of urban places of 5,000 or more

(Thousands of dollars)

State	Federal-aid highway system	Farm-to-market roads	Urban highways	Total
Alabama.....	4,710	3,731	1,310	9,751
Arizona.....	3,232	2,235	264	5,731
Arkansas.....	3,855	3,104	561	7,520
California.....	9,012	5,158	3,166	22,336
Colorado.....	4,042	2,720	939	7,701
Connecticut.....	1,396	767	1,985	4,148
Delaware.....	1,097	731	205	2,033
Florida.....	3,232	2,165	1,608	7,005
Georgia.....	5,647	4,309	1,631	11,587
Idaho.....	2,780	1,945	213	4,938
Illinois.....	8,858	4,769	9,562	23,189
Indiana.....	5,408	3,626	3,082	12,116
Iowa.....	5,582	3,990	1,601	11,173
Kansas.....	5,667	3,978	1,113	10,758

Approximate apportionment of \$500,000,000, Federal-aid highway system, section 21 of Federal Highway Act, etc.—Continued

(Thousands of dollars)

State	Federal-aid highway system	Farm-to-market roads	Urban highways	Total
Kentucky.....	4,200	3,403	1,307	8,910
Louisiana.....	3,360	2,517	1,540	7,417
Maine.....	1,948	1,404	564	3,916
Maryland.....	1,832	1,171	1,800	4,803
Massachusetts.....	2,942	2,786	6,649	10,377
Michigan.....	6,836	4,135	5,713	16,684
Minnesota.....	6,054	4,170	2,218	12,442
Mississippi.....	4,040	3,333	603	7,976
Missouri.....	6,662	4,564	3,168	14,394
Montana.....	4,546	3,106	309	7,961
Nebraska.....	4,479	3,162	787	8,428
Nevada.....	2,870	1,923	61	4,854
New Hampshire.....	1,097	731	478	2,306
New Jersey.....	2,864	1,042	5,558	9,464
New Mexico.....	3,632	2,515	259	6,406
New York.....	10,840	4,276	18,878	33,994
North Carolina.....	5,424	4,448	1,501	11,373
North Dakota.....	3,355	2,417	216	5,988
Ohio.....	7,904	4,658	7,581	20,143
Oklahoma.....	5,084	2,741	1,356	10,171
Oregon.....	3,730	2,545	815	7,090
Pennsylvania.....	9,194	5,276	10,574	25,044
Rhode Island.....	1,097	731	1,129	2,957
South Carolina.....	3,045	2,516	658	6,220
South Dakota.....	3,532	2,513	223	6,268
Tennessee.....	4,766	3,667	1,602	10,035
Texas.....	14,250	10,037	4,488	28,775
Utah.....	2,532	1,686	436	4,654
Vermont.....	1,097	731	187	2,015
Virginia.....	4,113	3,190	1,499	8,802
Washington.....	3,542	2,398	1,475	7,415
West Virginia.....	2,470	2,078	812	5,360
Wisconsin.....	5,416	3,668	2,669	11,753
Wyoming.....	2,799	1,899	134	4,832
Hawaii.....	1,097	731	396	2,224
District of Columbia.....	1,097	731	1,153	2,981
Puerto Rico.....	1,110	1,133	839	3,082
Reserved for administration and engineering.....	5,625	3,750	3,125	12,500
Total.....	225,000	150,000	125,000	500,000

Under the pending bill the more populous States like Connecticut and New Jersey receive more funds than they would have received under the bill as reported in June 1944 by the Committee on Public Roads. They will receive more than they would receive under the Senate bill passed in September 1944. It is fair to say that at the same time the rural areas will receive a better allocation. Under the bill as reported States like Mississippi will receive a total of less than they would receive under the old formula of one-third population, one-third area, and one-third mileage, while the more populous States will receive more. Under the old formula Connecticut, for instance, under a \$500,000,000 authorization would receive \$3,102,000 annually, whereas under the pending bill Connecticut would receive \$4,148,000. Mississippi would receive \$8,977,000 under the existing old formula, whereas under the bill as reported and as amended by the committee, Mississippi will receive \$7,976,000. Concessions are thus made to the populous States and to the urban areas. In consideration of this concession States like Mississippi receive more for farm-to-market roads, more accrues to Mississippi and other similar States in the House bill as amended by the committee than under the bill as originally reported or under the bill as passed by the Senate. Under the pending bill Connecticut will receive approximately \$1,000,000 more and Mississippi \$1,000,000 less than if the entire authorization were allocated under the old formula, while

under the pending bill Federal-aid highways in Mississippi will receive about \$100,000 more and farm-to-market roads will receive in excess of \$1,000,000 more than under the bill as originally reported.

I say that the purpose of that urban-area amendment and the purpose of reducing its allocation from the original proportion based upon the population of the State as it related to cities of 10,000 has been amended by reducing the figure to 5,000 population. More money is thus given to the larger urban areas. I am perfectly frank in so stating. But it must be kept in mind that the smaller area, the smaller municipalities, the towns and the villages will have Federal-aid highways constructed through them in many cases. They have farm-to-market roads constructed; and for that reason they will not be neglected as we undertake to provide for a post-war program by granting this additional allocation to the larger municipalities of our country.

It has been said that the States will be unable to match. In my judgment the States should be more nearly able to match than the Federal Government to appropriate the Federal funds provided by this bill. The Federal Government has had to wage the war, to provide the Army and the Navy and the Air Forces while the States, the counties, and the municipalities have been piling up a surplus.

They will be in better position to match the Federal aid and to provide for Federal aid than they have ever been. I would like to emphasize this point: In my judgment, following the war, while we hear of planning boards and planning commissions in the cities and in the States, the problem of construction and the problem of unemployment has got to be cared for pretty largely at home. The Government of the United States will not be the Santa Claus in the distribution of funds for employment that it is alleged to have been during the depression. We might as well be realistic about that. The local interests must provide now to care for their own unemployed then.

Mr. MAY. Will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from Kentucky.

Mr. MAY. The gentleman has gotten right down to the point where I want additional information. Will the gentleman tell us just how it is provided in this legislation for the work that will be authorized and done through this appropriation and advise us if it will be done in another W. P. A. form or will be done by contractors with equipment who can do it cheaper, better, and more effectively?

Mr. WHITTINGTON. The answer is perfectly obvious and clear. That has been the procedure under existing highway legislation. This bill is an amendment to existing Federal highway legislation making authorizations.

Mr. MAY. It requires approval by the Federal engineers?

Mr. WHITTINGTON. Absolutely. The fundamental principles that have heretofore obtained will continue under this bill.

Mr. MAY. With respect to the elimination of grade crossings as affecting the railroads, what percentage or part of the cost of elimination of those grade crossings is to be paid by the railroads?

Mr. WHITTINGTON. Under existing law the Federal Government pays the entire cost of construction. The local interests, including the railroad and the State highway commission provide the rights-of-way. My understanding is that under existing law the railroads have contributed the land along their rights-of-way and the States have provided the approaches thereto. Under the bill reported here that system will continue. The Federal Government will pay the entire cost of construction and will pay one-half of the cost to the States of providing an access or approach to the right-of-way. Under the terms of the Senate bill the railroads are required to pay 15 percent of the cost of construction.

Mr. MAY. I hope the conferees of the House will insist on its bill.

Mr. WHITTINGTON. The best way to do is to adopt the House bill and that will enable the conferees to act in the way the gentleman wants.

Mr. BROWN of Georgia. Will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from Georgia.

Mr. BROWN of Georgia. First, may I say that the gentleman has made a splendid explanation of the bill. Now, we have three funds: \$225,000,000 allotted annually to the Federal highways and \$150,000,000 allotted to feeder roads.

Mr. WHITTINGTON. That is right.

Mr. BROWN of Georgia. Then \$125,000,000 allotted annually to the urban areas, including towns from 5,000 up.

Mr. WHITTINGTON. That is the allocation to the States for the urban area; yes.

Mr. BROWN of Georgia. Will those towns from 5,000 up receive any other fund except that broad fund of \$125,000,000?

Mr. WHITTINGTON. That is a fair question. Since the National Industrial Recovery Act, the Federal-aid highways have been constructed, under existing law, through municipalities and they may still be constructed through municipalities. But there is great congestion in the cities of our country and there is the necessity of bypassing the cities in order to provide for the general public in the municipalities, and the mere construction of one Federal-aid highway through a large municipality does not solve the problem. One of the reasons for this urban fund is to enable the bypassing of cities; it is to enable the construction not of one Federal highway but of more, perhaps. In many cases a department store, for instance, has its branch out in the suburbs and it is necessary to have additional means to reach such places. There will be a supplemental fund for the urban areas that will be required but, as a matter of practice, I am sure that the other Federal-aid funds will be utilized by the State highway commissions largely in the rural areas.

Mr. BROWN of Georgia. In connection with the funds allotted to the Federal highways, towns under 5,000 will have to get their money from this particular fund?

Mr. WHITTINGTON. I have answered that and I think I tried to anticipate by saying that there is nothing like the congestion in towns of 5,000 and under that there would be in a city like the city of Baltimore and the larger cities of the country.

Federal-aid highways ordinarily would provide for that, that is, one Federal-aid highway through a town of 5,000. Or it may be that an improved farm-to-market road will provide for the smaller towns. But they are not comparable to the case of Baltimore. My recollection is that it takes one nearly as long to get through Baltimore now as it does to travel from Washington to Baltimore, a distance of 45 or 50 miles. That is a fair example of the congestion that obtains, and one of the reasons for providing by bypassing in urban areas.

Mr. BROWN of Georgia. One other question. I am not objecting to the \$1,500,000,000, but I am very apprehensive that a lot of the States cannot match this fund in 3 years. I was wondering, if it would not be a pretty good idea to amend this bill and spend the billion and a half in a course of 5 years instead of 3 years?

Mr. WHITTINGTON. I have anticipated the gentleman's argument by saying, and I challenge proof in denial of the statement, that in my judgment, with a public debt of two hundred fifty to three hundred billions of dollars for waging the greatest of all wars, and when our States are piling up surplus after surplus, that the States and the local jurisdictions will be and should be in a better position to match these funds than the Federal Government is to appropriate them in the first instance. I believe it would be utterly unsound to continue the depression, the emergency, and the relief policy that has heretofore obtained of continuing to make the United States the Santa Claus of the Nation. Moreover, the funds do not lapse in 2 years and the States will really have 5 years to match.

Mr. BROWN of Georgia. One other question. Does the gentleman think we can intelligently spend a half billion dollars annually on the roads of this country?

Mr. WHITTINGTON. I have answered that question by saying that under the National Industrial Recovery Act we spent four hundred million for roads. Under the act of 1934, following that, we spent two hundred million and one hundred million, or three hundred million, on Federal-aid highways alone. We authorized that much.

I also undertook to anticipate the question by saying that heretofore we had authorized the appropriation of from one hundred to two hundred millions of dollars annually, and that under the terms of this bill we only authorize two hundred and twenty-five million for Federal-aid highways. With our highways in the sad plight they are in, many of

them being in such condition that they cannot be used without repair, some being utterly obsolete, many of the highways being crooked, and greatly needing to be straightened, it will be a lot easier to use the \$225,000,000, when we have not had any construction in 2 years, than to have used \$100,000,000 in the years prior to the war.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from Minnesota.

Mr. O'HARA. I have two questions which have been raised in my mind about this bill that bother me.

Mr. WHITTINGTON. Let me have them.

Mr. O'HARA. The objections come from people who are supposed to know. The first is the same as the gentleman from Georgia just raised as to the question of whether we are going to be able to spend the amount which has been set out for an annual payment to the States from Federal funds. The gentleman has answered that. The other question is the objection of the formula of distribution to the States, in that it amounts to a discrimination against the agricultural sections by changing the formula which has heretofore existed.

Mr. WHITTINGTON. In response to the first question, let me say that the chairman of the committee has already inserted in black and white, as a part of his discussion, replies from the 28 doubtful States, those that might not have matched, and with probably one exception, every one of those States indicated that they will be able to match it. As to the remaining 17 States there has been no question about their being able to match.

I have anticipated the second question with respect to change in the formula and with respect to discrimination, and I have said that this bill is in three parts: \$225,000,000 for Federal aid, \$150,000,000 for rural roads, and that part of this bill is more generous in its distribution of farm-to-market road allocations than any bill previously passed. I have indicated that primarily the purpose of this urban additional authorization of \$125,000,000 is to provide for the employment and for the relief of congestion in our larger cities.

The \$225,000,000 authorized for Federal aid is to be allocated under the existing formula of one-third, one-third, and one-third. The \$150,000,000 for rural roads is to be allocated upon a more generous formula so that larger allocations will accrue to the rural areas in the distribution of farm-to-market road funds, the one-third population being the one-third farm population instead of the one-third State population. Thus Federal-aid highways and farm-to-market roads in the country receive more generous treatment than has heretofore been accorded to them. I see no valid reason why provision should not be made for the highway problems in urban areas. We make adequate provision for rural areas. We make more generous allocations for the rural areas in farm-to-market roads than have heretofore obtained.

We must provide for the cities as well as the country. The allocation to the cities, which is the third part of the bill, is one-fourth of the total authorization. The highway commissioners recommended 30 percent of the total. The urban fund is not only to relieve congestion but to provide full employment in the cities following the war.

I believe I have answered the gentleman's second question. I think it is the most constructive provision of this bill, because if we do not provide for unemployment and the relief of the congestion in the municipal areas, those cities can very properly come to Congress and ask for a renewal of the appropriations for unemployment relief following the war.

Mr. O'HARA. I agree with the gentleman that some of our large cities are in bad financial condition. On the other hand, I am wondering if we are not taking a step now which will lead the municipalities to believe that we are going to continue to keep up their street systems, if we are not a little careful in this legislation.

The CHAIRMAN. The time of the gentleman from Mississippi has expired. Mr. ROBINSON of Utah. Mr. Chairman, I yield 5 additional minutes to the gentleman from Mississippi.

Mr. WHITTINGTON. The municipalities have to contribute one-half of the cost of the rights-of-way and one-half of the cost of construction under the terms of this bill. As I say, it is to help take care of the unemployment problems as well as to eliminate congestion in those areas following the war. The program is balanced. Highways are provided in the country and in the cities. I should like to add that the committee will submit amendments to limit to 15 percent the amount that may be spent for railway grade crossings and to limit to 3 percent the amount that may be spent for flight strips. I have covered the changes in the existing law.

Mr. MILLER of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from Connecticut.

Mr. MILLER of Connecticut. Under the amendment which the committee will offer, can the gentleman give us a break-down of the \$500,000,000 between these three funds? Different figures have been quoted today.

Mr. WHITTINGTON. I will give it to the gentleman, but I have already inserted it in my remarks. Two hundred and twenty-five million dollars for Federal aid under existing law allocation, \$150,000,000 for Federal aid under a more generous distribution to the rural districts, and \$125,000,000 to the urban areas under the formula contained in the Senate bill, which is the same as the bill reported by the House, except that the allocation is made on municipalities of 5,000 instead of 10,000 inhabitants, as contained in the original House bill as reported by the committee.

Mr. J. LEROY JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from California.

Mr. J. LEROY JOHNSON. What I want to find out specifically is whether the \$125,000,000 for highways through

cities includes the widening of a Federal-aid highway. I am thinking of a situation on Highway 99 where the roadway is there and you cannot bypass the city. It will have to take in some built-up area.

Mr. WHITTINGTON. I would say that is a matter for the municipalities in cooperation with the State highway commissions. That has been taken care of by the committee amendment, as I have previously stated in this debate. It is going to be necessary to widen highways not only in urban areas but in many other areas of our country, and widen the rights-of-way.

Mr. J. LEROY JOHNSON. But the Federal money can be spent for the widening of that kind of highways?

Mr. WHITTINGTON. For one-half of the widening in the municipalities; yes.

Mr. J. LEROY JOHNSON. I thank the gentleman.

Mr. WHITTINGTON. Highways are essential in peace. They are more essential in war. Highways cannot be constructed during war. Provision can be made for roads and bridges for the advances of the armies. But I know of no more satisfactory public works for peace and war than highway construction. I believe the bill as reported by the committee and as amended unanimously by the committee in the amendments submitted, should be promptly passed so that the legislatures of our 48 States can make provision for the initiation of this essential and important program in the post-war period.

For the first time in Federal-aid highway legislation we have a complete bill. We have provided for the highways of the country and the highways of the cities. We have improved and extended the policy of Federal aid in highway construction. The pending bill will mark the progress of road construction for the next 25 years.

(Mr. WHITTINGTON asked and was given permission to revise and extend his remarks.)

Mr. MOTT. Mr. Chairman, I yield 5 minutes to the gentleman from South Dakota [Mr. CASE].

Mr. CASE. Mr. Chairman, I have asked for this time in order to call the attention of the Committee of the Whole and also the attention of the committee which reported the bill, to the amendment which I propose to offer, to insert an authorization for roads on Indian reservations.

I do not know why that particular authorization was omitted in the preparation of this bill, except that I was told it occurred through inadvertence due to the fact that the Office of Indian Affairs has been moved to Chicago. But in all previous authorizations for Federal highway constructions, an authorization has been included for road work within Indian reservations.

This bill as reported to us, carries an authorization for regular Federal aid in these three different categories which the gentleman from Mississippi described. It also carries an authorization for building forest highways, highways through the national forests. It also carries an authorization for the construction and maintenance of roads and

trails in the national parks and in the national monuments. That follows the pattern of all previous highway authorizations. But this bill, contrary to all previous highway authorizations, does not have a paragraph authorizing appropriations for the maintenance, construction and improvement of Indian reservation roads.

The act of 1934 which provided \$125,000,000 for regular Federal aid, authorized \$4,000,000 for each year covered, for roads on Indian reservations.

The act of 1936 authorized \$125,000,000 regular Federal aid in the years covered and again \$4,000,000 for Indian reservation roads.

The act of 1938, which authorized \$100,000,000 in 1 year and \$115,000,000 in the other for regular Federal aid, authorized \$2,500,000 the first year and \$3,000,000 the second year for roads of Indian reservations.

Again in 1940 the authorization act provided \$100,000,000 for regular Federal aid and \$3,000,000 for roads on Indian reservations. But this bill comes to us now and covers all the other matter but neglects the Indian reservation roads.

Those of you who are familiar with the Indian country and who have counties where there are Indian reservations, know that it is impossible for roads to be built by those counties because the Indian land is not taxable and the taxable land bears a small proportion to the total area which needs road service for both Indians and whites. Consequently, some weeks ago I asked the Office of Indian Affairs for the appropriate language which would make a parallel paragraph, authorizing the construction of roads on Indian reservations in proportion to other authorizations, as has been done in previous bills. That language I introduced as a bill on August 31, 1944, and it is H. R. 5282 which I propose to offer as an amendment to the pending bill.

Mr. ROBINSON of Utah. Mr. Chairman, will the gentleman yield?

Mr. CASE. I am glad to yield to the gentleman from Utah, the distinguished chairman of the Roads Committee.

Mr. ROBINSON of Utah. I will state there was no testimony before the committee as to the amounts that were needed in Indian reservations. I am sure that would not have been omitted if the information had been supplied by the Office of Indian Affairs. I think the committee would have no objection at all to an amendment to the bill which would provide a reasonable amount for this purpose. I feel personally, that it should be done and I am sure the other members of the committee feel the same way.

Mr. CASE. I appreciate that statement by the chairman. I will state that I talked with the officials of the Indian Office and they said their failure to bring that to the attention of the committee was due to the fact their office had recently been moved to Chicago and they were not as closely in touch with the congressional hearings as they had been in previous years.

Mr. ROBINSON of Utah. I just want to make this suggestion to the gentleman, that if an amendment is proposed,

and a statement made by the Department justifying it, I am sure there could be no objection to it.

Mr. CASE. I thank the Chairman. I will say that I have some correspondence with the Office of Indian Affairs which includes such a statement, and with permission, when the Committee goes back to the House, I shall insert the statement at this point together with the language of the appropriate amendment:

EXCERPT FROM LETTER BY WILLIAM ZIMMERMAN, JR., ASSISTANT COMMISSIONER OF INDIAN AFFAIRS, TO HON. FRANCIS CASE, REPRESENTATIVE IN CONGRESS, AUGUST 15, 1944

In response to your request, there is enclosed suggested language to be incorporated in the general highway authorization bill as section 11 following section 10 authorizing appropriations for the National Park Service, which would include Indian reservation road needs for the 3 post-war years. * * *

The amount of \$8,000,000 requested for each of the 3 post-war years is required to put our roads back in shape and start a construction program. Many miles of the roads built in the early thirties have been worn out. They were built to a low standard, and while they have served the immediate need, they should be rebuilt to a standard that will provide permanent facilities.

The \$8,000,000 would be distributed as follows: \$1,600,000 for maintenance and \$6,400,000 for construction. This rate of expenditure could be handled in an economical manner and still provide widespread employment in the post-war period.

Language proposed for inclusion in the post-war roads authorization bill, enclosed with the foregoing letter, and as embodied in H. R. 5282, introduced August 31, 1944, follows:

"Sec. . For the construction, improvement, and maintenance of Indian reservation roads and roads to provide access to Indian reservations and Indian lands under the provisions of the act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of \$8,000,000 for the first post-war year and a like amount for each of the second and third post-war years: *Provided*, That under the provisions of the act approved September 5, 1940 (54 Stat. 867), the location, type, and design of all roads constructed shall be approved by the Public Roads Administration before any expenditures are made thereon, and all such construction done by contract shall be under the general supervision of the Public Roads Administration."

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. CASE. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. Mr. Chairman, with the gentleman's permission I want to make this observation in connection with his statement with respect to the improvement of the Indian roads. Under the terms of this bill as originally reported by the House and as it was passed by the Senate, there is no limitation on the amount of funds that can be spent for elimination of railway crossings. As the chairman will include in his remarks, in the committee amendments published for the benefit of the House, there is a limitation of 15 percent, and there is a limitation of 3 percent on the amount which may be paid for flight strips. That is a diversion from the statement of the gentleman, but I did want to make that observation in connection with his statement on amendments.

Mr. CASE. Mr. Chairman, I was glad to yield to the gentleman from Mississippi.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBINSON of Utah. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, I asked for these few minutes in order to advise the committee that when we read the bill under the 5-minute rule I will propose an amendment which will permit those States who apply all of the receipts from special taxes on motor-vehicle transportation for road purposes, and maintain the present rate of such taxes and distribution to obtain the full amount of their apportionment under this bill. There are a number of States, according to the report of the Bureau of Public Roads that will not be able, or will not have sufficient funds available to their State highway department for construction purposes, and if the amendment I will propose is adopted, it will permit those States which do not have sufficient funds with which to match the full apportionment, to get their full allotment. The amendment would add a

new subsection to section 5, page 5, line 15, after "funds" as follows:

(b) If within any of the 3 post-war fiscal years referred to in this act the Federal Works Administrator shall find with respect to any State (1) that the proceeds of all special taxes on motor-vehicle transportation, as referred to in section 12 of the act of June 18, 1934 (48 Stat. 995), as amended, are applied to highway purposes as defined in said section; (2) that 100 percent of such proceeds are applied to the administrative and operating expenses of the State highway department, the maintenance and construction of roads and highways, and the payment of interest on, and the amortization of, bond obligations of the State for the payment of which such revenues have been continuously pledged since January 1, 1942; (3) that the rate of none of such taxes has been reduced or the rate of distribution to political subdivisions of the State changed after September 1, 1944; and (4) that the portion of the proceeds of all such special taxes then available for construction, together with funds available to the State from any other sources for highway purposes, will be insufficient to match all, or any part, of the funds apportioned to such State for such fiscal years in accordance with the provisions of this act, then such portion of such apportionments as the Federal Works Administrator shall find the State is unable to match shall be made available for expenditure in such State in accordance with the Federal Highway Act, as amended and supplemented, without being matched by the State. Any finding made by the Federal Works Administrator under this subsection shall be made by him only after a full and complete investigation of the facts and records upon which such finding is based.

A similar provision designed for and with the intention of meeting this same problem was offered and adopted in the bill that passed the Senate. An analysis was made by the Public Roads Administration as to what would be the effect. According to the analysis there were 20 States in the year 1943 whose receipts of special taxes on motor-vehicle transportation was applied 100 percent for highway purposes, and who will not have available to the State highway department, annually, sufficient funds with which to match the apportionment as set out in this legislation. I am including the full analysis as follows:

Disposition of receipts of special taxes on motor-vehicle transportation collected in 1943 in States using all of such receipts for highway purposes

State	Total receipts	Amount transferred to subdivisions of State	Used by State highway department					Available to State highway department for construction	
			Amount	Percent	Percent			Amount	Percent
					Used for purposes of sec. 5b (2) E. 2105	Not used for purposes of sec. 5b (2) S. 2105	Used by State highway department for local roads		
Arizona	\$5,616,000	\$1,266,000	\$4,350,000	77.5	36.8	40.7	2.5	\$2,282,000	40.7
Arkansas	14,200,000	2,016,000	12,184,000	85.8	69.8	16.0	.2	2,275,000	16.0
Colorado	10,063,000	3,394,000	6,669,000	66.3	43.0	23.3	18.9	2,340,000	23.3
Connecticut	13,702,000	155,000	13,547,000	98.9	55.2	43.7	18.9	3,402,000	24.8
Idaho	5,196,000	1,679,000	3,517,000	67.7	44.0	23.7	3.4	1,230,000	23.7
Indiana	31,756,000	15,200,000	16,556,000	52.1	28.2	23.9	3.4	6,523,000	20.5
Iowa	22,690,000	5,331,000	17,359,000	76.5	54.9	21.6	3.4	4,132,000	18.2
Kansas	12,657,000	3,600,000	9,057,000	71.6	50.2	21.4	2.5	2,700,000	21.4
Maine	7,611,000	7,611,000	7,611,000	100.0	97.5	2.5	2.5	—	—
Michigan	45,212,000	28,312,000	16,900,000	37.4	22.9	14.5	.2	6,460,000	14.3
Minnesota	22,135,000	4,445,000	17,690,000	79.9	47.5	32.4	—	7,171,000	32.4
Mississippi	12,739,000	6,704,000	6,035,000	47.4	45.6	1.8	—	220,000	1.8
Missouri	21,179,000	195,000	20,984,000	99.1	70.7	28.4	—	6,006,000	28.4
Montana	4,926,000	1,189,000	3,737,000	75.9	66.8	9.1	—	448,000	9.1
Nevada	1,896,000	—	1,896,000	100.0	44.5	55.5	—	1,053,000	55.5
New Hampshire	4,388,000	98,000	4,290,000	97.8	77.7	20.1	7.7	541,000	12.4
North Dakota	4,233,000	1,379,000	2,854,000	67.4	41.3	26.1	.2	1,097,000	25.9
South Dakota	5,484,000	1,609,000	3,875,000	70.7	38.9	31.8	—	1,742,000	31.8
West Virginia	12,821,000	—	12,821,000	100.0	97.2	2.8	—	—	—
Wyoming	2,899,000	489,000	2,410,000	83.1	31.8	51.3	-2.8	1,489,000	51.3

Mr. Chairman, this bill authorizes quite a sizable amount of money for highway construction. A policy adopted by Congress, that each State should have a certain amount of money for highway construction, of course is desirable because of the tremendous impact brought on by the war. We must do something in order to rehabilitate our roads. We must do something in order to have a road program that will give us the needed facilities for transportation, and as we all know, give us an opportunity to make jobs available to the men both engaged in war and those at home.

Heretofore the formula has been 75 and 25 percent. This bill changes that formula. According to the House bill it is 60 percent for the Federal Government and 40 percent for the States the first year. The second and third years it will be on a 50-50 basis. If an amendment which I will propose is adopted, then those States which are not able to match all the funds allocated to them, and as the gentleman from Oregon [Mr. MOTT] said awhile ago, this amount of funds is to be set aside for the States, those States would be permitted to get that full apportionment. If each State is allotted so much for a road program and doing all it can by applying all its highway receipts on roads, maintaining a high tax rate and needs the entire allocation, certainly it should be permitted to obtain them.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBINSON of Utah. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. HARRIS. I yield.

Mr. WHITTINGTON. I am sure the gentleman desires to be accurate. Under the Federal-aid highway legislation, the 75-25 percent to which the gentleman referred is limited only to strategic highways, and for the war period. That is, where it was necessary to widen bridges and do other work to reach defense plants and military and naval installations.

Mr. HARRIS. Federal-aid highway systems and access roads.

Mr. WHITTINGTON. Strategic highway systems.

Mr. HARRIS. That is right.

Mr. WHITTINGTON. And only for the war period.

Mr. HARRIS. That is right.

Mr. CALVIN D. JOHNSON. Mr. Chairman, will the gentleman yield for a question?

Mr. HARRIS. I yield.

Mr. CALVIN D. JOHNSON. Would the fund that is set aside to assist the States that are unable to help themselves apply to any State, or would it apply only to such States as had no gasoline tax or such State as had made no effort to help itself?

Mr. HARRIS. Under this amendment each State would be required to maintain

the same tax rate it now has and apply all the proceeds to the roads and highways.

Mr. CALVIN D. JOHNSON. But the States would be called upon to help themselves before these funds become available to them.

Mr. HARRIS. They will be required to apply everything from special taxes on motor-vehicle transportation taxes for this purpose.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

(Mr. HARRIS of Arkansas asked and was given permission to revise and extend his remarks.)

Mr. MOTT. Mr. Chairman, I yield 10 minutes to the gentleman from North Dakota [Mr. BURDICK].

Mr. BURDICK. Mr. Chairman, you all know I come from a very small town.

From an analysis of this bill I take the position that the country is not getting what it should; but let me say to you in the first place that this is not a highway bill; it is a plan of action to take up unemployment after the war ends, and so far as I know this is the only committee in the House that has yet gone on record as planning any definite action to take up unemployment after this war is over.

Wartime restrictions, of course, will disappear when the war ends, but complaints have been made about other restrictions on business. I will stake my reputation, if I have any, that if all restrictions were removed from private business it could not take care of the unemployed when this war is over. We must have some plan of action to provide useful work, to supplement what private business can do. I am in favor of private business doing the job if it can, but I remember the last depression. I attended the meeting of a committee where great financiers of the country were present. This question was asked: "If all these restrictions you complain of were removed could you take up this 15,000,000 unemployed?" And the answer was, No, they did not think they could.

In my judgment we are going to have about 40,000,000 unemployed when the war is over. Private business will be in the same position it was before; but do not let this Congress be in the same position it was before. We had no plan of action; we had to plan work overnight and you know what kind of work it was; they made fun of it, but it was work and the unemployed could get something to eat. In this instance, however, the committee has outlined a plan or scheme by which a large amount of labor can be absorbed, I do not know how much; I think it will not take care of more than 1,000,000, this whole program we have, this entire appropriation; and 39,000,000 more will be left to be taken care of. But this committee is to be complimented at least that they have striven to point out that there will be such a situation when the war ends.

To make this bill perfectly clear I want the Record to show that \$225,000,000 is appropriated for the present highway system; \$150,000,000 for farm-to-market roads; and \$125,000,000 for urban areas.

In the urban-area provision one of the principal cities included will be New York, which is allocated \$30,000,000; but as soon as unemployment strikes this country it will be felt first in the cities, in the large centers, New York, Philadelphia, Los Angeles, Cleveland, and similar places. I think it is perfectly proper to make such arrangements because this is a plan to take care of post-war unemployed and I am sure there is no one in my section of the country who is opposed to this plan. In North Dakota in the last election we initiated a law to match whatever funds we may get under this bill; and we voted on that before you passed it here and it carried by some 87,000 majority.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield.

Mr. WHITTINGTON. Is it not true that the representatives of the highway commissions recommended a larger percentage for the urban area than will be included in this bill? Or to be specific, they recommended 30 percent of the total, whereas we have included only 25 percent.

Mr. BURDICK. Yes. There is some complaint, and I think there is some justification for it, that we are not appropriating money enough, but, at least, we are setting up the framework for which we can appropriate if it becomes necessary.

In the formula we take into consideration the population of the State. That is 50 percent of the formula. Area is 25 percent of the formula, and post-road mileage is the other 25 percent of the formula. We are establishing a formula, a system, and a plan. If there is not money enough it is easy to come back and get it. If we have the money we can get it; if we do not have it we can still get it. We have been getting it right along during this war when we did not have it.

Mr. MOTT. Will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Oregon.

Mr. MOTT. The gentleman will remember that was not easy in the depression years. When we had passed the regular Federal-aid road bill, then along came the W. P. A. and, notwithstanding the Federal-aid road bill, we appropriated two or three times as much money for roadbuilding as was used under the regular law. We could not get any increase to build these roads under mandatory law but had to accept this W. P. A. scheme of road building.

It is my opinion that that same thing is going to happen again if we have an unemployment problem after this war unless we make provision now for a full and adequate road-building program under law and not under Executive discretion.

Mr. BURDICK. The gentleman is right on that. There are \$500,000,000 of this money available right away, within 30 days after this bill passes, for the purpose of entering into these contracts, which is making a start right now, whether you want to or not. Within 30 days after this bill is signed and becomes law those contracts can be made by the

commissioners of highway of the States, approved by the United States Commissioner of Public Roads.

There is just one other provision here that may cause some concern. I think I mentioned it previously. When the depression first strikes this country we are going to feel it here in Washington before we feel it in the upper part of Mississippi or in North Dakota. We must meet that situation wherever we come to it. There is no danger of your not appropriating the money, because I sat here right in this House and voted for a \$4,000,000,000 appropriation for W. P. A. when we had to. Now we do not have to. Now we can plan something useful.

Mr. Chairman, it seems to me that the committee has done the best it could on this bill. I would like to have seen the authorization larger than it is, but the formula, the plan, and the system is right. There will not be any difficulty about money just as soon as you see people around this country who are hungry enough to be in groups like they were when I first entered this Congress. Somebody said it could not be imagined that the Congress would appropriate \$4,000,000,000 for W. P. A., but before we got through everybody voted for it, conservatives and radicals alike. We appropriated four billion for them, and we would have appropriated four billion more if it had been necessary. They were trying to balance the Budget in those days, but you cannot do much balancing when people are hungry. Now we have time. May I compliment this committee for being the first committee in this Congress to start out on a plan of action to provide useful employment. In my opinion, the other committees ought to get busy and see if they cannot point out something equally as useful and important.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOTT. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. GOODWIN].

Mr. GOODWIN. Mr. Chairman, there is probably no joint enterprise of cooperative endeavor between the Federal Government and the several States calling for an expenditure of money, which is so nearly self-liquidating as a program of highway construction.

The Committee on Roads has labored long and diligently with intensive hearings covering several months followed by many executive sessions held in the spirit which ought to prevail in the consideration of a bill affecting so many conflicting interests—the spirit of cooperative effort, reconciliation of differences, of compromise, of give and take.

I want to compliment the chairman of the committee, the distinguished gentleman from Utah [Mr. ROBINSON] for his patience and his fairness and his very evident desire to send to this floor a bill which should honestly reflect the composite judgment of all the members of the committee. Sitting under his leadership and helpful direction has been an exceedingly pleasant experience for a first-term Member of Congress.

The bill now before us with the committee amendments which will be offered,

is, in my opinion, a well-considered and intelligent approach to the problem of what to do in 1944 toward a comprehensive Federal-aid road-building program for the years immediately following the end of the war, with the two highly praiseworthy objectives of providing for the employment of a little army of our people when employment will be sadly needed, and to begin again where we left off when highway construction was of necessity stopped as a result of the war, and to go ahead with planned improvement of the contemplated system of roads and bridges, extending into every State of the Union.

For the first time since the old formula for distribution was set up nearly 30 years ago—one-third area, one-third population, and one-third post-road mileage—this bill recognizes the need for a change in consideration of the very obvious fact that country-wide conditions have necessarily changed during the period of a quarter of a century.

In those States where there is a paramount need for emphasis on either urban or rural roads, we attempt to meet that need by setting up a new method of allocation which will provide substantial benefit to both.

But we ought to go further, in my opinion, and try to bring up to date the rapidly becoming ancient formula with regard to the funds provided for projects on the so-called Federal aid highway system. An amendment will be offered to accomplish this, which I propose to support. Such an amendment would introduce into the formula a new feature which naturally was not seriously thought of when the formula was devised in 1916, namely, the number of motor vehicles in each State. Such consideration becomes compelling now, and I can conceive of no fairer yardstick for measuring actual road use. If such an amendment is adopted, the bill will be a fairer bill for those States which are now and for many years have been making the largest contribution to the billions of dollars which have been collected from the owners of motor vehicles by the Federal Government.

(Mr. GOODWIN asked and was given permission to revise and extend his remarks.)

Mr. MOTT. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. WELCH].

Mr. WELCH. Mr. Chairman, I have always been a strong advocate of the construction of major highways and bridges. These two are closely interrelated. A bridge is a part of a highway whether it crosses a creek, a river, or an arm of the ocean as do the great Golden Gate Bridge and San Francisco-Oakland Bridge.

California was one of the very first States to embark on a campaign for more and better highways. I was a member of the California State Senate in 1907 when Gov. James N. Gillett, a former Member of this body, sent a message to the State legislature recommending a bond issue of \$18,000,000 for highways to be submitted to the voters of the State for their approval. I supported Governor Gillett's proposal without res-

ervation, both in the State senate and in the following State-wide campaign for the bonds. This bond issue was defeated in the rural sections of the State and would have been lost were it not for the enormous majority it received in the great seaport city of San Francisco.

Mr. Chairman, my work in support of highways and bridges did not end there. It really had just begun. In 1915 I was elected to the board of supervisors, which is the legislative body of the city and county of San Francisco. Upon taking office I immediately started a campaign to connect San Francisco, which is built on the tip of a peninsula, with its natural hinterlands, the San Joaquin, Sacramento, Livermore, Napa, Sonoma, Santa Clara, and Salinas Valleys, and the great redwood empire, by a comprehensive system of highways and bridges.

With the cooperation of the then Governor of the State, William D. Stevens, who also served in this body, I started the successful 1919 State highway bond issue for \$40,000,000. At that time there was only a single highway and an antiquated ferry system serving the city of San Francisco with a population of approximately 700,000 people.

I started the Golden Gate Bridge by introducing the original resolutions in the San Francisco Board of Supervisors one of which secured the original grant from the War Department to span the Golden Gate. I vigorously campaigned and led the good fight throughout the counties of northern California to make the publicly owned Golden Gate Bridge and the highways adjacent thereto a reality. This great bridge was built at the depth of the depression without \$1 of Federal funds and with very little help from the State of California. From its inception to the present time I have continuously been a director of this publicly owned enterprise.

I appealed personally to President Hoover for his help to overcome the opposition of the Army and Navy to the construction of the San Francisco-Oakland Bay Bridge. President Hoover favorably responded by appointing a commission which, after exhaustive studies, unanimously approved a plan which ultimately made the bridge a reality.

While chairman of the committee on highways, bridges and streets of the San Francisco Board of Supervisors, I secured the enactment by the California State legislature of laws permitting the union of two or more counties into bridge and highway districts for the purpose of increasing highway facilities. This legislation made possible for the San Francisco peninsula the Sky Line Boulevard, the Bay Shore Boulevard, and the reconstructed El Camino Real—the King's Highway. The hilly terrain of the San Francisco peninsula has made new highway construction a great engineering problem with enormous relative costs.

Mr. Chairman, due to its geographical location and strategic importance San Francisco and the San Francisco Bay area is today a principal defense area in the United States and these bridges and highways are a major contribution to the success of our war effort and national

defense in that area. In this defense area are located some of the most important permanent military and naval establishments in the United States. They include the Presidio Military Reservation, one of the largest in the country and which was established during the Spanish regime, Fort Funston, Fort Mason, Fort Winfield Scott, Fort Miley, Fort Barry, Fort Baker, Mare Island Navy Yard, Hamilton Field Bombing Base, other great airfields and military establishments at Sacramento and Stockton, the Sausalito shipyards, the great naval base at Hunters Point, as well as a host of other war industrial establishments, all located around San Francisco Bay.

Notwithstanding the foresight shown in the development of these highways and bridges in that area, the experience of the present war indicates that more highways and bridges are permanently necessary for our national security and the peacetime economy. It is only such needs as this in the interest of our national security that justify the enactment of this present legislation. Congress must see to it that this bill definitely earmarks specific sums out of this billion and one-half dollars to these defense areas that are so important to our national security.

This bill in its present form does not meet this condition. It should be amended to definitely allocate portions of these funds for defense areas. It is idle to say that additional funds will be appropriated to the Army and the Navy for such purposes. This enormous sum of a billion and a half dollars will be expected to provide for all of the needs. Now is the time to make specific and mandatory provisions in the bill. Otherwise it will not be done. I do not hesitate to state that there are some State highway commissions which could not properly define a defense area and to leave the allocation of funds entirely to them will defeat what should be one of the main purposes of the bill.

Amendments by Mr. WELCH to S. 2105:

Page 13, after line 14, insert the following new section:

"Sec. 14. (a) If the President determines that the security of the United States, in the event of war or other national emergency, will be materially aided by the construction in any defense area of a highway, road, or bridge, he shall transmit such determination to the Federal Works Administrator. If funds are available for such purpose under authority of this section, the Federal Works Administrator, through the Commissioner of Public Roads, is authorized and directed to construct such highway, road, or bridge.

"(b) In order to carry out any highway, road, or bridge project under subsection (a), the Federal Works Administrator is authorized to acquire, in the name of the United States, such rights-of-way, lands, or interest in lands as may be required for such project. Upon completion of such highway, road, or bridge project, the Administrator is authorized and directed to convey, by proper deed executed in the name of the United States, any such right-of-way, land, or interest in land to the State, or to the political subdivision of the State if the State law so provides, in which such right-of-way, land, or interest in land is situated, upon condition that such State or political subdivision will maintain the highway, road,

or bridge constructed in such State or political subdivision without cost to the United States.

"(c) The cost of any highway, road, or bridge constructed under authority of this section shall be payable out of any sum or sums appropriated under authority of this act for apportionment to the State or States within which such highway or road is to be constructed, but the total cost of all projects under this section shall not exceed \$50,000,000 for each post-war fiscal year for which funds are made available under this act."

Page 13, line 15, strike out "Sec. 14" and insert in lieu thereof "Sec. 15."

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. WELCH. I yield.

Mr. MOTT. The State highway divisions have no jurisdiction to define a defense area.

Mr. WELCH. A defense area is a natural development. San Francisco and San Francisco Bay area are natural defense areas, placed there by the Creator of the universe. If some people are not able to see it in its true light, this Congress should tell them or show them the light. That is where I differ with the splendid committee in its recommendation to Congress. Sums should be earmarked. It is illogical and improper to drop into the laps of the highway commissioners throughout the entire United States \$1,500,000,000 to use practically as they please. There are some States, may I say to my friends, where you cannot be nominated or elected pound-keeper without the sanction and support of the State highway commission. They constitute the political machines of many States.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. WELCH. I am not referring to the State of the gentleman from Oregon [Mr. Mott] or my own State of California. I yield.

Mr. MOTT. I think that is a situation which the people of California should correct, and that it should not be left to the Committee on Roads of the House of Representatives to take care of your political situation.

Mr. WELCH. The great trouble with committees of this House in dealing with important matters of this kind, and also with the departments, is that they take the road of least resistance. Sums should be definitely earmarked, as I propose in an amendment which I will offer to the bill at the proper time, allocating certain sums for defense areas which are all important to the security of this country during war, and also important to our peacetime economy.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to include an amendment which I propose to offer when the bill is being read for amendment in the House.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MOTT. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. VURSELL].

(Mr. VURSELL asked and received permission to revise and extend his remarks.)

Mr. VURSELL. Mr. Chairman, I find myself not in complete harmony with the provisions of this bill. I realize I am in the minority and will probably find myself voting for the bill, as the best that we can get out of it, on the roll call. I want to make an effort to improve it. There seems to be considerable hysteria connected with the discussion of this bill. It has been said that our roads are badly worn and are in terrible shape. I had occasion recently to drive down through the Southland and back, some 800 miles, and from there over to Washington and back. I talked with one of my colleagues from Illinois a few moments ago and he said he had taken the southern route in going from Washington to his home in Illinois and that he marveled at the splendid condition the roads were in. And I have heard similar remarks from others. I have not found any bad roads in 1,600 miles of travel recently. When one makes something like 400 miles in a day of driving, then transportation is pretty rapid and the roads are in pretty good shape in this country. When I got back home I found my home town located in the center of the county which is 24 miles square, and when I visualize that, as you visualize your county, most of you know that you can drive from your county seat and from your largest town, to any of the smaller villages on fine highways at as rapid a rate of speed as the law will permit.

But there is another picture. If I want to go 5 miles or 10 miles or 15 or 25 miles southeast or northwest, out through the rural sections I find it very difficult, and in wintertime it cannot be done.

It has been said that much greater allocation and appropriation has been made for the rural farm-to-market roads in this bill than under the old bill. That is true. Yet, we notice that much greater appropriations have been made for the great cities than has been spoken about, and large sums of money for the smaller cities. I am wondering, with our States and cities having more money in their possession, and their finances being in better shape than they have ever been in the history of this country, if it is wise to continue to call more heavily on the Government which is now in debt over \$200,000,000,000.

Might it not be better if we reduced the urban allocation by \$100,000,000, and reduced the amount in the bill by \$100,000,000 which is provided for the upkeep of the Federal highways already designated, and leave the farm-to-market road allocation as it is? The Congress will be in session constantly. We will have the law enacted and if an emergency arises, if we have unemployment, then we can rapidly vote for a larger allocation of funds.

I believe we should reduce the amount of \$225,000,000 allocated annually for the Federal-aid highway system by \$100,000,000, and that we should reduce the amount of \$150,000,000 allocated annually to urban areas, which means the big cities, by \$100,000,000. That we

should leave in the bill the \$125,000,000 allocated annually to farm-to-market roads. This will reduce the over-all authorization to \$900,000,000 to be expended in the first 3 years of the post-war era which will begin at the close of the war unless otherwise provided by congressional action. It will hold back and probably save \$600,000,000. The great need, at the earliest possible moment after the war, is the building of farm-to-market roads. This country is fairly well provided now with belt highways, and the \$125,000,000 which would be left for the extension and repair of Federal highways, with the bill so reduced, will be adequate to keep them in splendid condition.

If we take this action, it will make it easier for many States to match the Federal appropriations. In fact, many of the States of the South cannot match the larger appropriations contemplated in this bill.

If we take this action we are as fully prepared to provide labor on the highways as we will be if we vote the larger sum, for we will have enacted this bill, which carries such a large amount of money even with these reductions that if a depression comes, before much of this money has been spent, with the Congress in session we can quickly appropriate more funds, if necessary.

It is most unlikely, at the close of the war, that we will immediately go into a depression. I hold no such defeatist attitude. We may have a temporary lull for a few months during reconversion. Because of the lack of civilian goods during the past few years we are more likely to have a boom with everyone employed for the next number of years. I think it is unwise to provide for the expenditure of such a great amount of money because if that money is available we are likely to use it at a time when it is not needed and not have it to use when it might be very badly needed to bolster up the economy of the Nation and keep our laboring people employed.

This bill provides \$150,000,000 a year to be spent largely in and about the big cities. This is a tempting amount of money for city governments led by such wasteful spenders as LaGuardia, of New York, Mayor Kelly, of Chicago, Hague, of New Jersey, and other city governments who continuously waste the taxpayers' money and who will spend everything they can get their hands on.

It has been argued that the larger cities are not in as good financial condition as the smaller towns and as are the State governments. It is because of their waste and extravagance in keeping their political machines builded up so they can control elections which bring about this condition. I do not want to tempt them with this large amount of money. That is why I suggest the reduction of this urban fund from \$150,000,000 to \$50,000,000, which should be adequate aid to help take care of emergency highway construction within their limits.

It has been argued that through Federal gasoline taxes and other Federal taxation against automobiles, that there is now in the Treasury \$630,000,000.

This money came from the users of automobiles throughout the Nation and from those who operate trucks and tractors. I do not believe in being generous in the expending of this money simply because it is there. I would much rather see a reduction of these taxes that comes from the people who are the Government. Countless numbers of farmers who are helping to pile up this money by reason of the taxes they pay on their trucks, farm tractors, and cars are living on dirt roads which are almost impassable except in dry weather. I want to see these people provided with better roads so they can build up the countryside and make their greatest possible contribution to the economy of the Nation.

So long as we place within the reach of these great political machines millions of dollars of the taxpayers' money, just so long will they spend it and call for more.

The general purpose of this bill is proper and necessary and the Congress will pass it whether or not we are able, by amendments, to improve it as we would like. I hope that the proper amendments will be offered and that a majority of this House will write them into the bill.

Let us apply sound reasoning and good judgment to the bill rather than wishful thinking and hysteria. Congress will be in session and, in our desire to safeguard the interest of the taxpayers of this country, we fall short of the mark, it can and will be willingly and promptly corrected.

Six hundred million dollars is worth saving. There are abundant places where it can be used and we may find that this amount of money is a very large amount before we get the country back on an even keel. I am in favor of adequate highways and of the building of highways to take up the slack of labor when and if it is necessary. In my judgment we will employ more labor when it becomes necessary and keep our highway system in the best possible shape if we defer the expending of such a large amount of money until a depression and a labor shortage makes it necessary.

Mr. MOTT. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Chairman, as I understand the measure that has been reported by the Committee on Roads, it is being proposed as a post-war employment measure. It would seem to me that it would be much better for the country if the Congress were to consider the entire post-war program at one time, of which road building would be an integrated part. It is to be regretted that this has not been done, because no man on this floor can tell how much we are going to be called upon to vote from time to time and what the grand total will be. The condition of the Treasury is not such that we can go at this thing piecemeal and in a haphazard way.

I find an objectionable feature in section 5, in the last proviso, which reads:

That the entire construction cost of projects for the elimination of hazards of railway-highway crossings may be paid from Federal funds, except that not more than

50 percent of the right-of-way and property-damage costs, paid from public funds, on any such projects, may be paid from Federal funds.

The railroads are going to be in bad shape when the war is over. Their rolling stock is rapidly wearing out due to the demands of the war, and they have not been permitted to lay aside any funds for rehabilitation. If you saddle this cost on top of what they will have to pay for replacing worn-out rolling stock after the war is over it may place an impossible burden upon them, and I am wondering just how much consideration the committee gave to that particular phase of the bill.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. Gladly.

Mr. WHITTINGTON. I may say to the gentleman that under existing law local interests, including the railroads, are required to furnish the entire cost of the rights-of-way. Under this bill the Federal Government is assuming one-half of the cost; so this bill is very much more liberal and generous with the railroads than existing legislation.

Mr. KNUTSON. It may be more liberal but it will be more costly to the railroads.

Mr. WHITTINGTON. No; not at all.

Mr. KNUTSON. Because we are not now doing much road building. The gentleman will agree that the burden of existing law has been comparatively light on the railroads but here we are making them pay as they never paid before.

Mr. WHITTINGTON. No; I would say with all deference to the gentleman from Minnesota that the burden on the railroads in the legislation now under consideration is reduced rather than increased. The Senate bill increased it.

Mr. KNUTSON. That is probably true in a sense, but I am now speaking from the standpoint of actual cost to the railroads.

Mr. WHITTINGTON. So am I. As a matter of fact, the railroads have been contributing the rights-of-way and the States have been providing for the approaches. Now the Federal Government will merely pay one-half the cost of the approaches. I am sure it reduces the cost to them.

Mr. KNUTSON. Even assuming what the gentleman says to be correct, and he may be correct, the railroads are very much concerned over what the probable cost will be to them. The purpose of this legislation, among other things, is to eliminate hazardous crossings.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield further?

Mr. KNUTSON. I yield.

Mr. WHITTINGTON. We heard the railroads at length. There has been no dissatisfaction expressed by the railroads to the House bill. The objection is to the Senate bill. The Senate bill makes them contribute 15 percent of the entire cost, and that is the objection the railroads have been making. They object not to the House bill, but to the Senate bill.

Mr. KNUTSON. While we are speaking of the Senate bill, the Senate bill calls for \$3,000,000,000, does it not?

Mr. WHITTINGTON. No, for \$450,000,000 annually. The House bill calls for \$500,000,000.

Mr. KNUTSON. I am speaking of the total now.

Mr. WHITTINGTON. Yes; the Senate bill is a little bit less than the House bill.

Mr. KNUTSON. And it is not nearly so favorable to the country areas as the House bill.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MOTT. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut [Mr. MILLER].

Mr. MILLER of Connecticut. Mr. Chairman, the underlying purpose of Federal aid, when the first appropriation was made nearly 30 years ago, was to bind all parts of the country together with an adequate system of main roads. In the beginning few roads worthy of the name existed, and such as did exist were located largely in the most populous parts of the country. The problem was that of getting hard surfaces on the main roads to get the road users out of the mud. This problem bulked largest in the agricultural States of sparse population.

Nearly 100 percent of the original problem has now been met. Almost the entire mileage of the Federal-aid system has been paved.

This does not mean, however, that the Federal-aid system requires no further expenditure. During the intervening years motor-vehicle development has been phenomenal. The effect of this growth of traffic, however, has been very uneven. Roads built a number of years ago for several hundred vehicles a day and now carrying upward of 1,000 are still adequate and for the most part satisfactory because the capacity of a two-lane road is several thousand vehicles a day. But roads built many years ago for a traffic of 1,000 or 2,000 vehicles a day are now carrying upward of four or five thousand vehicles. These roads must have their capacities increased if we are not to suffer a disastrous stagnation of our highway traffic.

A new factor has thus entered the problem of the provision of adequate Federal-aid highways—the factor of congestion. It has become the most important factor, and it is not restricted merely to cities.

There is no corresponding factor in the formula heretofore used and now proposed by the committee for continued use in allocating funds to the Federal-aid systems of the different States.

Therefore I now propose that such a factor be added and that it be given the weight it deserves. I propose that the old "out of the mud" formula be retained in the apportionment of half of the funds, \$112,500,000 set up for the Federal-aid system; but that the other half, \$112,500,000 of the funds, be apportioned according to the registration of motor vehicles in the several States. This will apportion half of the Federal-aid system moneys according to the use made of

the highways in the different States—according to the degree of congestion to be overcome on them.

The populous States, the States where highway congestion exists—as it does exist, for example, between Washington and Baltimore—are wholly reasonable in asking for this consideration. In earlier years their highway systems were more advanced than those of more sparsely settled States. Cheerfully these States consented to an allocation of funds that would enable other regions to "catch up." Now, largely as a result of years of operation of Federal-aid, the situation is reversed. The acute Federal-aid highway problems are in these densely populated States. As one illustration, most, if not all Congressmen know from personal experience that, mile for mile, driving from Washington toward Richmond is pleasanter, easier, less congested and irritating than driving in the much heavier traffic from Washington to Baltimore. Here is one field where the advice of experts coincide with the experience of the average individual. Traffic congestion cries for relief. The States where it exists may reasonably ask to be allowed to retain within their borders enough of the Federal appropriation to allow their Federal-aid system now to "catch up," to gain an equality with those of the less congested States.

The self-interest of one-third of the States, with six-tenths of the population of the country, should incline them to a distribution of one-half of the \$225,000,000 for the Federal-aid system on a basis of the motor vehicle registrations of those States. It is not, however, on this basis that I advance this proposal, but as the basis of our national welfare which requires a uniform development of our federally aided system of highways—which required that in times past, the preference be given, to the sparsely settled States, but which now requires more consideration for the highways in those regions where they are now least adequate.

In 1916, highways were still more largely used—much more largely used—by horse drawn than by automotive vehicles. In those days, the motor vehicle registrations of the States were not particularly significant in respect to road needs. But now, in the field of highway traffic, the motor vehicle is everything. There should be, in the distribution of Federal-aid, some direct measure of it, as the most important element in the apportionment of funds. Were the present bill the first Federal-aid bill, it is conceivable that the use of the highways in the different States would not have been given preeminence in the allocation of funds.

The apportionments each State would receive if the \$225,000,000 for the Federal-aid system were based wholly on section 21, and if it were based one half on section 21 and one half on motor-vehicle registrations, are shown in parallel columns in the table below:

Comparison of annual apportionments under proposed revisions of H. R. 4915

State	Committee amendment	Proposed motor-vehicle amendment
Alabama	\$9,760,000	\$8,700,000
Arizona	5,760,000	4,610,000
Arkansas	7,560,000	6,560,000
California	22,450,000	27,420,000
Colorado	7,750,000	6,900,000
Connecticut	4,490,000	5,540,000
Delaware	1,550,000	1,240,000
Florida	7,080,000	7,210,000
Georgia	11,690,000	10,620,000
Idaho	4,990,000	4,150,000
Illinois	23,410,000	25,440,000
Indiana	12,180,000	12,910,000
Iowa	11,310,000	11,140,000
Kansas	10,850,000	9,980,000
Kentucky	8,910,000	8,410,000
Louisiana	7,430,000	7,130,000
Maine	3,920,000	3,650,000
Maryland	4,840,000	5,490,000
Massachusetts	10,390,000	11,960,000
Michigan	16,770,000	18,720,000
Minnesota	12,540,000	12,380,000
Mississippi	7,970,000	6,890,000
Missouri	14,450,000	14,280,000
Montana	8,020,000	6,390,000
Nebraska	8,490,000	7,600,000
Nevada	4,890,000	3,610,000
New Hampshire	2,120,000	2,020,000
New Jersey	9,600,000	11,880,000
New Mexico	6,470,000	5,060,000
New York	34,180,000	37,880,000
North Carolina	11,390,000	10,760,000
North Dakota	6,020,000	4,950,000
Ohio	20,290,000	22,680,000
Oklahoma	10,250,000	9,600,000
Oregon	7,140,000	6,650,000
Pennsylvania	25,320,000	27,620,000
Rhode Island	2,350,000	2,440,000
South Carolina	6,240,000	5,960,000
South Dakota	10,050,000	9,310,000
Tennessee	29,870,000	27,620,000
Texas	4,710,000	3,390,000
Utah	1,910,000	1,670,000
Vermont	8,830,000	8,600,000
Virginia	7,480,000	7,790,000
West Virginia	5,370,000	5,200,000
Wisconsin	11,840,000	12,210,000
Wyoming	4,870,000	3,770,000
Hawaii	1,780,000	1,230,000
District of Columbia	2,260,000	2,270,000
Puerto Rico	3,090,000	1,540,000
Administration	12,500,000	12,500,000
Total	500,000,000	500,000,000

Explanation: Under committee amendment \$225,000,000 for Federal aid system is apportioned on sec. 21 formula, \$150,000,000 for secondary and feeder roads is apportioned $\frac{1}{2}$ on rural population, $\frac{1}{4}$ on area, and $\frac{1}{4}$ on post road mileage. \$125,000,000 for urban roads is apportioned on the basis of urban population. Under proposed motor-vehicle amendment \$225,000,000 for Federal-aid system is apportioned $\frac{1}{2}$ on sec. 21 and $\frac{1}{2}$ on motor vehicle registrations in the States. \$150,000,000 for secondary and feeder roads is apportioned $\frac{1}{4}$ on rural population, $\frac{1}{4}$ on area and $\frac{1}{4}$ on post road mileage. \$125,000,000 for urban roads is apportioned on the basis of urban population.

It should be emphasized that this proposed change in the allocation, in view of other existing provisions in the bill, will still leave great differences in the treatment accorded different States. In proportion to the use made of their highway systems, the States of sparse population are still far more generously treated than the States of dense population, as the following examples show. The proposal I advance merely somewhat narrows the discrepancies. My State of Connecticut, for example, still will receive only a small fraction of the amounts many other States will have.

Amendment of section 4. of committee amendment of H. R. 4915: "Change part (a) as follows:

"(A) The \$200,000,000 per year available for projects on the Federal-aid highway system shall be apportioned among the States

one-half as provided in section 21 of the Federal Highway Act and one-half in the ratio which the total motor vehicles in each State bears to the total motor vehicles in all the States, as reported in Public Roads Administration statistical table MV-1 for the calendar year 1941."

Speaking of discrepancies allow me to discuss the provisions of section 9 of the committee bill, H. R. 4915.

Annual apportionments per motor vehicle for various States

State	Under committee amendment	Under proposed motor vehicle amendment
Nevada.....	107	82
Wyoming.....	64	52
New Mexico.....	56	46
Utah.....	36	31
North Dakota.....	31	25
Mississippi.....	27	24
Oregon.....	24	23
Wisconsin.....	12	13
New York.....	12	13
Rhode Island.....	12	12
Illinois.....	11	12
Massachusetts.....	11	12
Pennsylvania.....	11	12
Indiana.....	11	12
Michigan.....	10	11
Ohio.....	10	11
Maryland.....	10	11
California.....	9	10
New Jersey.....	8	10
Connecticut.....	8	10

No one that I have contacted questions the need for assisting the States with large Federal land areas in the development of an adequate system of highways. It is believed, however, by some that with the proposed expansion of Federal aid and forest highways authorizations under the pending legislation, it is necessary that careful evaluation be made of the assistance given the public-lands States, to the end that in granting them aid, they are not being afforded more aid than justified by the public land, and also being provided through Federal aid, a degree of highway improvement surpassing that attainable by other States, thereby reducing the funds remaining for apportionment to other States.

It has been possible to develop a fairly comprehensive picture of how public lands have been and are being used again and again, to get unwarranted and duplicating financial assistance to the public-lands States.

In a nutshell, this is the story:

First. Public land — unappropriated and unreserved public lands, nontaxable Indian lands, Federal forests and national parks, monuments, and recreational areas—is the element in the Federal highway-aid formula through which a large part of the Federal-aid apportionment accrues to public-land States. But the funds so obtained by those States are in large part spent for roads over private, not public land.

Second. Furthermore, because of the public lands, these States do not have to match Federal funds dollar for dollar when other States do.

Third. Over and above Federal-aid authorizations, special Federal lands highway authorizations have been made from 1931-1941 to a total of \$23,000,000,

providing in effect a direct 100-percent grant to the States for Federal aid and other main highways traversing public land.

Fourth. National forest road authorizations, which have been made year after year and go mostly to the public-lands States, are spent largely on Federal aid and State highway construction. These funds do not require any matching by the States and are spent outside as well as inside national forests and over private as well as public lands.

Fifth. National park authorizations are made for improvements in national parks with no matching required by the States.

Sixth. Approach roads to national parks are financed by authorizations for such roads, with no matching required by the States.

Let us see how well some of these things work out to the advantage of just a few of the public-lands States.

Under the bill S. 2105, Arizona would get solely because of the area of public lands, and excluding the forest road funds, over \$7,200,000.

Idaho would get \$5,300,000.

Nevada would get \$9,300,000.

Utah would get \$5,900,000.

And so forth. But these funds will not be spent entirely, or in major part, for the improvement of Federal-aid highways, or any other kind of highways, across public lands. For example, in Nevada in the 3 years before the war only \$1,700,000 of Federal-aid highway expenditures were made on public lands, although that State got \$3,650,000 of its funds because of the public-lands area in the State. On this basis we can expect that of the \$9,300,000 Nevada would get under S. 2105 because of its public lands, only \$4,400,000 would go to roads over public lands. The rest, \$4,900,000 would be a windfall for roads over private lands. It should be understood that these funds we are speaking of here are only those accruing to the States under the apportionment of Federal-aid funds which results from their public-lands area. Each of them get in addition such funds as are apportioned because of the remaining area in the State, the population and the post-road mileage. On the same basis as the example, the other public-lands States mentioned above would get windfalls as follows: Arizona, \$3,800,000; Idaho, \$2,800,000; and Utah, \$3,100,000.

Piled on top of the Federal aid is the authorization in S. 2105 of \$112,500,000 for National forest roads. We find that the general conception of such roads is that they are the roads and trails in and through the Federal forests, to provide access to all parts of the Federal forests and to the extent needed to provide connections of main highways across them. If one does not delve into the matter, that is a perfectly logical conclusion, primarily because it does sound like a reasonable responsibility to be assumed by the Federal Government.

However, it will be noted from S. 2105 that two-thirds of the forest-road funds are for forest highways, \$75,000,000. We have found some startling facts regarding forest highways and the expenditures

of forest highway funds. Forest highways are defined in the Federal Highway Act as "of primary importance to the State, counties, or communities within, adjoining, or adjacent to the national forests." We find that to a considerable extent forests highways are outside of national forests and that over 40 percent of their mileage is through private property. There is no requirement for matching of forest highway funds by the States. In large part the expenditures in the past have been on the forest highways that are parts of the Federal aid and State highway systems, so that they represent a duplication of regular Federal aid to the State. Furthermore, the States that get this forest highway windfall are pretty much the same States that get the other windfalls from public lands. Federal forest areas are part of the public lands which give so much regular Federal-aid funds to some States. Taking the same four States as used above, we find that they would under S. 2105 get forest highway funds as follows: Arizona, \$4,300,000; Idaho, \$7,700,000; Nevada, \$1,300,000; and Utah, \$2,500,000. This does not include funds provided in S. 2105 for national forest development roads and trails. It is presumed that such funds, which total \$37,500,000, will be spent for and in the Federal forest areas. However, it is worthy of note that S. 2105 provides a threefold or fourfold expansion over previous authorizations for this purpose.

From the foregoing it should be clear that under S. 2105 the public-lands States get a multiplicity of overlapping aids, not immediately obvious from the bill and probably not generally recognized even by members of the Roads Committee. These States, if the public-lands area is excluded, get Federal highway aid equivalent in amount to that which any other State with identical development of its private lands would have. On top of that they get an overflow resulting from the heavy allotment of Federal aid made because of the public-land area but not used for road development in that area. On top of that and for the same kind of roads, Federal aid and State roads primarily, they get forest highway funds which are spent to a large extent on private land. For some reason, which we do not know, the public-lands States have not advocated provision in the current legislature for direct authorization of Federal lands highway funds, such as have been provided in all but 2 years from 1931 to 1941. Is it possible that direct and obvious assumption of the obligation for roads across public land would tend to clarify the situation and ultimately eliminate the "gravy"? Maybe that thought can be applied as a solution of the problem.

Might it not be appropriate to consider some such revisions of S. 2105 as the following:

First. Eliminate the authorization of funds for forest highways in section 9.

Second. Add part (f) to section 4 as follows:

(f) *Provided*, That in the case of any State containing unappropriated public lands, nontaxable Indian lands, individual and tribal,

federally owned forest lands, and national park, monument, and recreational area lands, exceeding 5 percent of the total area of all lands therein, the pro rata share of the funds apportioned to the State under this section because of the area of the aforementioned public lands shall be spent under the supervision of the Public Roads Administration for the construction or maintenance of Federal-aid routes, forest highways, public lands highways, and other main highways, to the extent that those highways are on public lands.

Third. Revise the first proviso in part (a) section 5 as follows:

Provided, That in the case of any State containing unappropriated public lands, non-taxable Indian lands, individual and tribal, federally owned forest lands, and national park, monument, and recreational area lands, exceeding 5 percent of the total area of all lands therein, the Federal funds expended on public lands as provided under part (f) section 4, may be 100 percent of the cost thereof.

(Mr. MILLER of Connecticut asked and was given permission to revise and extend his remarks in the Record.)

Mr. MOTT. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. HOFFMAN].

(Mr. HOFFMAN asked and was given permission to revise and extend his remarks.)

CHICAGO SUN CAUGHT IMPEDING THE WAR EFFORT

Mr. HOFFMAN. Mr. Chairman, Marshall Field 3d inherited millions from a rugged ancestor who believed in free enterprise and amassed his fortune under the American system, but Marshall Field 3d apparently, with more money than he can intelligently spend, has been an ardent worshiper of the New Deal and at the shrine of internationalism.

The country and the form of government which gave him, with the assistance of his ancestors, the millions evidently are not his ideas of what a country and a government should be.

To aid the New Dealers and the internationalists who would substitute for our Declaration of Independence a declaration of interdependence, who would haul down the Stars and Stripes and run up the flag of Union Now or some other international rag, who would surrender our sovereignty to a group of war mongers and international politicians, who would seek advancement through the sacrificing of millions of common people, Mr. Field established, so we are told, in New York the PM and in Chicago, Ill., the Chicago Sun.

If ever there was two so-called newspapers which carried on a campaign of falsehoods, deception, and vilification, designed to destroy the confidence of the people in their elected Representatives, those two publications are PM and the Chicago Sun.

False, vicious charges tending to create the impression that many individual Members of Congress were disloyal and unpatriotic have been made by the Chicago Sun. That publication has set itself up as qualified to pass upon the patriotism of the peoples' Representatives.

During the recent campaign and for months before the election, by direct, false charges, by innuendo, by the pub-

lication of half truths, by using the methods of dirty, lying propagandists, it sought to create the impression that many candidates for Congress were impeding the war effort and hence aiding the cause of Hitler.

Fortunately a part of the truth has caught up with the Chicago Sun and it has now itself been branded as hampering and impeding the war effort of the United States of America. The fact that it was creating disunity, that it was interfering with the war effort, that it was stirring up class prejudice and hatred was well known not only to many people but to the administration itself. It was expedient, however, that the administration should keep that fact concealed until after election, for the Sun, by its campaign of falsehood, was able to garner many a vote for the fourth term. Hence, it was not until after election that the hand of the W. P. B. was forced and at last we have an official characterization of the Chicago Sun, which is published by Field Enterprises, Inc., a corporation with its principal office in Chicago, Ill., a successor to Marshall Field 3d who owned and published the Chicago Sun prior to September 1, 1944.

Listen now to this characterization of the conduct of the Sun. After setting forth that "during the second quarter of 1944 the Chicago Sun used or caused to be used 886.89 tons of print paper in excess of the quota of print paper which it was permitted to consume during this quarter under the provisions of Limitation Order L-240, and in violation of that order," the W. P. B. under date of November 10, 1944, issued a suspension order which, among other things, states that—

The Chicago Sun had full knowledge of the terms and provisions of Limitation Order L-240 and the violations were willful.

Then the order continued:

This excessive use of paper has diverted scarce material to uses not authorized by the War Production Board, and has hampered and impeded the war effort of the United States of America.

During the recent campaign the Sun persistently, falsely, wickedly published and republished false charges against the Republican candidate for Congressman at Large, in the State of Illinois, STEPHEN A. DAY.

It made similar charges against a veteran of the First World War, whose loyalty and patriotism has never been questioned. I refer to the gentleman from New York [Mr. FISH].

It made similar charges against me.

Aided by the war chest of the communistic P. A. C., by the pay-rollers of the New Deal, by those who would surrender our independence and our sovereignty, it may have had some part in the defeat of Mr. DAY and of Mr. FISH. Its false and wicked charges against me were unavailing for the voters of the Fourth Congressional District are familiar with the tactics of the P. A. C., of the Sun, of New Republic, of Walter Winchell, and its efforts in that district did not prevent the rolling up of a 5,000 majority greater than ever before received.

Today it is of record that the Chicago Sun itself stands convicted of hampering and impeding the war effort of the United States of America.

The false charges of a lack of loyalty, of patriotism, of true Americanism, which it made against others are now found to fit it perfectly. The word of the Scriptures might be read with benefit by the publishers of the Sun. On the chance that they are unfamiliar with the Good Book I here quote a few words as follows:

And why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye?

Or how wilt thou say to thy brother, Let me pull out the mote out of thine eye; and, behold, a beam is in thine own eye?

Thou hypocrite, first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye.

A copy of the W. P. B.'s order follows and is marked "Exhibit A."

EXHIBIT A

S-654.

NOVEMBER 10, 1944.

WAR PRODUCTION BOARD

Part 1010—Suspension Orders (Suspension Order S-654).

Fields Enterprises, Inc. and Chicago Sun. Field Enterprises, Inc., is a corporation with its principal office in Chicago, Ill. Since September 1, 1944, it has been engaged in the business of publishing a daily newspaper known as the Chicago Sun and is the successor to Marshall Field III, who owned and published the Chicago Sun prior to that date. During the second quarter of 1944 the Chicago Sun used or caused to be used 886.89 tons of print paper in excess of the quota of print paper which it was permitted to consume during this quarter under the provisions of Limitation Order L-240, and in violation of that order. The Chicago Sun had full knowledge of the terms and provisions of Limitation Order L-240 and the violations were willful.

This excessive use of paper has diverted scarce material to uses not authorized by the War Production Board, and has hampered and impeded the war effort of the United States of America. In view of the foregoing it is hereby ordered, that:

Section 1010.654. Suspension Order No. S-654. (a) Field Enterprises, Inc., its successors or assigns, unless otherwise specifically authorized in writing by the War Production Board, shall reduce its use of print paper by 886.89 tons under the consumption quota it would otherwise be entitled to use as specified by the provisions of Limitation Order L-240, as follows: During the fourth quarter of 1944 by 197.08 tons; during the first quarter of 1945 by 295.64 tons; during the second quarter of 1945 by 295.63 tons; and during the third quarter of 1945 by 98.54 tons.

(b) Nothing contained in this order shall be deemed to relieve Field Enterprises, Inc., its successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 10th day of November 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

The CHAIRMAN. The time of the gentleman from Michigan has expired. All time has expired.

The Clerk will read the bill for amendment.

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued November 30, 1944, for actions of Wednesday, November 29, 1944)

(For staff of the Department only)

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HOUSE

1. ROAD AUTHORIZATIONS. Passed S. 2105, the road-authorizations bill, with the language of H. R. 4915 as amended (pp. 8691-707).
Agreed to the following additional amendments before passing the Senate bill:
- By Rep. Wolcott, Mich., to provide for deduction of advances of funds to any State, for expeditious project completion, from the succeeding year's apportionment (p. 8698).
 - By Rep. Sauthoff, Wis., to prohibit advance payments to any State if such State has diverted motor-vehicle revenues intended for highway purposes to other uses (p. 8698).
 - By Rep. Abernethy, Miss., to increase the authorization for national-park roads and trails from \$15,000,000 to \$30,000,000 (pp. 8699-701).
 - By Rep. Case, S. Dak., to authorize \$8,000,000 annually for Indian reservation roads (pp. 8701-2).
 - By Rep. Randolph, W. Va., to strike out Sec. 11, providing for aircraft flight strips adjacent to public highways (p. 8702).
- Rejected the following amendments:
- By Rep. Gillie, Ind., to authorize the use of funds under this act for the rerouting, etc., of railway tracks when a State Highway Commission deems it to be in the public interest (pp. 8693-6).
 - By Rep. Beall, Md., to authorize use of 50% of State apportionment for the construction of toll roads (p. 8697).
 - By Rep. Hope, Kans., to increase the authorization for forest-development roads from \$12,500,000 to \$25,000,000 (pp. 8698-9).
 - By Rep. Welch, Calif., to provide for "the building of roads in defense areas" (pp. 8704-7).
 - By Rep. Miller, Conn., to strike out Sec. 12, requiring State and PRA approval of the signs installed or placed by any public authority (pp. 8705-7).
 - By Rep. Gifford, Pa., to provide for approval of the State and PRA of any signs placed "adjacent to" highways (p. 8707).
- Rep. Stewart's amendment to increase the Federal share from 60% to 75% was ruled out on a point of order by Rep. Wolcott, Mich. (pp. 8696-7). Rep. Wolcott, in reply to Rep. Harris, Ark., stated that the provision in his amendment which was agreed to November 28, to provide that the "first post-war fiscal year shall be the fiscal year 1945," could be worked out by the conferees (p. 8691).

2. WAR POWERS. Agreed to the resolution providing for consideration of H. R. 4993, to extend the Second War Powers Act (pp. 8709-10).

This bill (see Digest 164) extends until not later than December 31, 1945, the following titles of the Second War Powers Act:

- I, emergency ICC powers over motor and water carriers;
- II, acquisition and disposition of property;
- III, priorities powers;
- IV, purchase of Government obligations by the Federal Reserve banks;
- V, waiver of navigation and inspection laws;
- VI, power to requisition;
- VII, political activity;
- IX, free postage for members of armed forces;
- XI, acceptance of conditional gifts to further the war program; and
- XIV, utilization of vital war information.

The bill amends Title III so as to provide for judicial review of suspension orders by the U. S. district court for the district in which the petitioner has his principal place of business.

The bill does not extend the following titles of the Act:

- VIII, protection of war industries and protection of resources subject to forest fire hazards;
- X, naturalization of members of the armed forces;
- XII, coinage of 5-cent pieces;
- XIII, inspection and audit of war contractors.

SENATE

3. ST. LAWRENCE SEAWAY. Sen. Capper, Kans., inserted telegrams from the Southwestern Interstate Coal Operators Assn. and the United Mine Workers of Kansas and Missouri opposing the proposed St. Lawrence waterway project (p. 8661).

Sen. Aiken, Vt., discussed Cordell Hull's work on behalf of the St. Lawrence waterway (pp. 8683-6).

4. VETERANS; PERSONNEL. Passed as reported H. R. 5386, to change the period from 40 days to 90 days during which a veteran may make application for the job which he held at the time of his induction; and to provide that if hospitalized for not more than a year following his discharge, the 90-day time shall not begin to run until the termination of his hospitalization (p. 8688).
5. BANKING AND CURRENCY. Passed as reported S. 1954, to extend until Dec. 31, 1945, the act authorizing the use for war purposes of Government-owned silver (pp. 8682-3).
6. EDUCATION BROADCASTS. Interstate Commerce Committee reported with an amendment S. 1957, to amend the Communications Act of 1934 so as to prohibit interference with the broadcasting of noncommercial cultural or educational programs (S. Rept. 1233) (p. 8661).
7. FLOOD CONTROL. Continued debate on H. R. 4485, the flood-control bill (pp. 8664-82, 8686-8).

Agreed to the committee amendment authorizing appropriation of funds to begin the development of the Missouri River basin by the War and Interior Departments (pp. 8676-7).

Agreed to amendments by Sen. O'Mahoney, Wyo., to limit the use of waters for navigation (p. 8670), to provide for specific congressional approval of Interior projects if objected to by War or a State (pp. 8671-2), and to provide for use of War Department projects for irrigation (pp. 8675-6).

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

CHARLES F. WHITE

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent that the Committee on Public Lands be discharged from further consideration of the bill (S. 1925) to authorize and direct the Secretary of the Interior to issue to Charles F. White a patent in fee to certain land, and that the same be referred to the Committee on Indian Affairs.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

RICHARD PICKETT

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent that the Committee on Public Lands be discharged from further consideration of the bill (S. 2026) authorizing the issuance of a patent in fee to Richard Pickett, and that the same be rereferred to the Committee on Indian Affairs.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

EXTENSION OF REMARKS

Mr. HEFFERNAN. Mr. Speaker, I ask unanimous consent to extend my remarks and include a report furnished by Capt. John L. Beebe, superintendent in charge of Sheepshead Bay Naval Station, Sheepshead, N. Y.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

[The matter referred to appears in the Appendix.]

FEDERAL-AID ROAD ACT

Mr. ROBINSON of Utah. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 4915) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4915, with Mr. COOPER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Section 5 of the bill has been read and is now open to amendment.

Mr. HARRIS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I desire first to ask the attention of the gentleman from Michigan [Mr. WOLCOTT]. On yesterday, the

gentleman proposed an amendment to line 21, on page 2, which states:

The first post-war fiscal year shall be the fiscal year 1945, or as otherwise directed by the Congress.

Later in the gentleman's remarks he said:

I have substituted for the language which I have just read the language which indicates that the program will start at the end of the present fiscal year.

I assume from that the gentleman intended his amendment to mean the fiscal year 1946.

Mr. WOLCOTT. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. WOLCOTT. The gentleman is probably correct.

However, the important thing was to get a definite date in the bill. It was to be hoped that in conference, if there was any question about it, 1946 would be substituted for 1945, because it was my intent that the program start on July 1, 1945. Perhaps under the language of the amendment the program will be retroactive as of July 1, 1944, which was not my intention. So, rather than ask unanimous consent, because of opposition to the amendment, to change the date to 1946, I was content to let the conferees work it out. The principal thing, however, is to get the date fixed with certainty so the States will know when the program is to start. It was intended that it should start July 1, 1945.

Mr. HARRIS. As a practical proposition it was intended that it should begin with the fiscal year 1946 which begins July 1, 1945.

Mr. Chairman, with this clarification I wish to make a statement for the benefit of the committee. Last Friday, when we were in general debate, I advised the committee that when we read the bill under the 5-minute rule, I would propose an amendment at this point, which would permit the States applying all of the receipts from special taxes on motor-vehicle transportation for road purposes, and who maintain the present rate of such taxes and distribution to obtain the full amount of their apportionment under this bill, even though they were unable to meet the full matching requirements.

However, since then circumstances have developed which make it necessary to obtain additional information with particular reference to our State of Arkansas and for clarification of the facts.

The question has been raised by several in consideration of this legislation as to whether or not the States will be able to match their full apportionment accrued to them under the bill. Frankly, I have some apprehension as to whether or not a number of them can provide their share of funds for matching. If not, that part of the allocation any State fails to match will revert to the Treasury and will not be used for the purposes authorized herein.

After the committee reported this bill, H. R. 4915, I directed under date of June 28, 1944, a letter to the director of our

Arkansas Highway Commission in Little Rock, Arkansas, requesting information as to the State's ability to match Federal funds proposed therein. In answer thereto, I was advised by letter under date of July 5, 1944, from Mr. W. W. Mitchell, director-chief engineer, of the Arkansas State Highway Commission, that—

In this connection, will state that assuming that the war ends in 1946, the State would probably be in a position to match the first year's Federal funds on a 60-40 basis. This would give a \$14,000,000 program for the first year. This would practically take up all available funds, and funds for matching for the second and third years would have to come from revenue which will be insufficient for matching the \$8,000,000 that will be available to Arkansas annually.

On September 15, the Senate passed S. 2105, its post-war highway program. It adopted the McClellan amendment, which is somewhat similar and intended for the same purpose as the one I stated I would propose and included in the Record on page 8527 last Friday. Following the adoption of the McClellan amendment by the Senate and the passage of the bill, an analysis was made of the amendment and on September 22, 1944, Mr. W. W. Mitchell, director-chief engineer, of the Arkansas State Highway Commission at Little Rock, advised Senator JOHN L. MCCLELLAN by letter that—

A careful analysis has been made of your amendment to Senate bill 2105, a copy of which was submitted with your letter of September 16, 1944. The estimate you made that Arkansas will be able over the 3-year period to match approximately \$3,000,000 of our total allotment of \$19,722,000 is substantially correct and unless some such enabling legislation is passed, the State will lose approximately \$11,000,000 in Federal funds.

It was very obvious that from these communications from our State Highway Department of Arkansas, that our State would have insufficient funds to match the allocation under these proposed bills. For this reason, I told the committee last Friday of my intention of proposing a somewhat similar amendment as the McClellan amendment in the Senate. To further substantiate our position I included in the Record an analysis by the Bureau of Public Roads, showing that, according to the receipts collected in 1943, there are approximately 20 States that would not have sufficient funds available to the State highway department for annual construction to match all of their apportionment. Some of these States may be able to make arrangements to match their full allocation by issuing bonds, raising taxes, a transfer of funds from some other source, or extending the matching period for 2 additional years. Arkansas already has a high rate of gasoline tax, 6½ cents per gallon State and 1½ cents Federal, or a total of 8 cents. We cannot issue additional bonds, because we are already, as the Members of this House know, overburdened with a huge indebtedness. It is very unlikely we could obtain funds from some other source in our State for road purposes.

Although we have been advised that it would be impossible for Arkansas to match Federal funds provided in this legislation, we have now been advised from the same source, Director W. W. Mitchell, of the Arkansas State Highway Commission, that there is a possibility that the State may be able to match the funds allocated, if all allotments can be obligated or placed under project agreement within the 4 years allowed under the bill and if the funds will be available for expenditure over a 5-year construction program. Subsection D, on page 4, provides that any sums apportioned to my State shall be available for expenditure in that State for 2 years, and that such funds shall be deemed to have been expended if covered by formal agreement with the Commissioner of Public Roads for the improvement of a specific project as provided in this act. I therefore interpret this section to mean that all allotments can be obligated or placed under project agreement within 4 years and that all of the funds apportioned will be available for expenditure over a 5-year construction program. That is what I understood the gentleman from Mississippi [Mr. WHITTINGTON] to say in his very able explanation of the bill last Friday.

Only yesterday, we received the information from our State highway department, indicating that our State could match the allocation accrued under this bill, which is in direct conflict with the information previously given.

We of the Arkansas delegation and all of the people of our State, appreciate very much the consideration the Congress has given heretofore, and in consideration of this bill to our road problem. We certainly do not want to request anything unreasonable or unnecessary. We only want a part in the road program comparable, under given circumstances, to other States in this Nation.

Therefore, Mr. Chairman, considering the conflicting information, as to the ability of Arkansas to match its full allotment, we have decided to not propose and press my amendment at this time, but to let it pass over until we can clarify the information and determine what the actual facts are. If it is a fact that we cannot participate fully in the program, we hope that it can be worked out in conference between the two bodies. We certainly want to be fair and if such a provision is not needed, we of the entire Arkansas delegation can assure you that we would not request it. We will make every effort to clarify the situation and do everything possible to meet all of the requirements.

ARKANSAS STATE HIGHWAY COMMISSION,
Little Rock, Ark., November 23, 1944.

Hon. OREN HARRIS,
Member of Congress,
House Office Building,
Washington, D. C.

DEAR CONGRESSMAN HARRIS: A few weeks ago a meeting was held in this office with Congressman Hays, Norrell, and yourself and members of the State highway commission for the purpose of discussing pending post-war highway legislation. This meeting was called by you, for the purpose of determining

the State's ability to participate in the proposed post-war highway program, as set out under the terms of Senate bill No. 2105 and H. R. 4915.

As a result of the meeting further study of the problem has been made and it appears desirable to submit certain information developed on this subject to our Senators and Representatives.

Enclosed herewith are two tabulations, one showing an estimate of the State's ability to match Federal-aid apportionments under S. 2105 and the other showing the same information for H. R. 4915. Also enclosed is a sheet explaining the various items shown on these forms by line number. In the preparation of these estimates the following assumptions are made:

1. That no post-war construction funds will be allocated prior to January 1, 1946.
2. That the gross highway income for 1947 will approximate the 1941 figure of \$17,650,000 which was the highest ever reached for Arkansas, and that by 1948 the gross income will exceed all previous records by more than \$300,000 and will maintain or slightly exceed this level.
3. That all allotments can be obligated or placed under project agreement within the 4 years allowed under either bill.
4. That funds will be available for expenditure over a 5 year construction program.

Informal information from representatives of the Public Roads Administration indicates that there may be some difficulty in entering into project agreements for obligating the funds (item (3) above) on the basis of anticipated revenues. Normally, the P. R. A. requires that a contract must be awarded for any project before the funds can be considered by them as under obligation. In the event a workable plan can be found for obligating the funds within the 4-year period, and provided the coming legislature allows construction funds to accumulate for a post-war program with only a minimum expenditure for State road construction, it is believed that upon the above basis, Arkansas will be able to match the majority of funds allocated under either proposed measure.

Although there is a possibility that the State may be able to match all funds allocated, a nonmatching clause under which the State could qualify would insure full participation in the post-war highway program. If Senator McCLELLAN's amendment, section 5 (b) of S. 2105 were changed to read as follows: "(2) That 100 percent of such proceeds are applied to the administrative and operating expenses of the State highway department, the maintenance of Federal-aid and other highways within the State," it is the opinion here that the State could then qualify, as all highway revenue is spent for highway purposes.

Regardless of the Federal legislation finally enacted, it is believed all possible effort will be made to secure the passage of such enabling State legislation as may be required for Arkansas to take full advantage of Federal-aid funds made available.

We have been requested by the American Road Builders' Association to request our membership in Congress to insist upon a larger authorization of funds in order to preclude the possibility of another W. P. A.

Our commission, in session today, discussed this request and I was instructed to inform you that it was the considered opinion of the membership that we in Arkansas were not in a position to ask for a greater authorization than was set out in either of the proposed bills, as it would be difficult, if not impossible, to match the amounts provided therein.

Trusting that you will find this information helpful, I am

Very truly yours,

W. W. MITCHELL,
Director-Chief Engineer.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. NORRELL. Mr. Chairman, I ask unanimous consent that the gentleman from Arkansas may proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. NORRELL. Mr. Chairman, will the gentleman yield briefly?

Mr. HARRIS. I shall be pleased to yield to my colleague from Arkansas.

Mr. NORRELL. I wish to say that the gentleman has correctly stated the position of the delegation from Arkansas. We understood in the beginning that there would be approximately 20 States which could not match, including Arkansas. We are now a little confused as to whether we in Arkansas can match or not. If we can we will not ask the Congress for any relief, but if we find we cannot match we will be asking the Congress for relief along with the other States.

I wish to compliment the gentleman from Arkansas on his remarks.

Mr. HARRIS. I thank the gentleman for his statement which is acquiesced in by our entire delegation from Arkansas.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. WHITTINGTON. With respect to the gentleman's inquiry as to when this program should begin, I believe it is the intent of the committee, or the intent of the House in considering and passing this bill that the first year of this program shall be the first year following the war, when we have determined that the war has ended. That is my construction of this entire post-war program for the construction of Federal-aid highways.

As the gentleman from Michigan stated, and as I understand his amendment contemplates, the Congress will provide for that year.

Mr. HARRIS. I would like to ask the gentleman, in further reference to that point, if he thinks as a practical matter the program can possibly start before the next fiscal year, which would be the fiscal year of 1946 to begin on July 1, 1945?

Mr. WHITTINGTON. I do not, and there will be no occasion for it to start because, as a matter of fact, there have been impounded the authorizations that we have heretofore authorized under the acts of 1940, 1942, and 1943, and we have extended the time for the utilization of the authorizations under those acts. There are funds that would be available aside from this act. This post-war program and the first fiscal year for the post-war program is the first year following the end of the war.

Mr. HARRIS. That is a consideration in our State and other States because if the program does not start before the fiscal year 1946 we will have additional funds with which to match the Federal allotments.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. HARRIS asked and was given permission to revise and extend his remarks.)

Mr. GILLIE. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. GILLIE: At the end of section 5 insert the following:

"If the State highway commission of any State and the Public Roads Administration, after full investigation, shall find that the safety of the public will be best served by the elimination of a grade crossing located within the confines of such State, or if they shall find that the movement of traffic over the public highways of the State is being seriously hampered and impeded by the movement of trains over grade crossings in thickly populated areas within the State; and if said State highway commission and Public Roads Administration should further find that the cost of eliminating such grade crossing, either by the construction of an overhead passage or a subway beneath the railroad right-of-way is in excess of the cost occasioned to such railroad by eliminating such crossing by rerouting of their tracks and right-of-way, then said State highway commission shall have authority to order a rerouting of said railroad; or if said State highway commission and Public Roads Administration should further find that the cost of eliminating such grade crossing by the construction of an overhead passage or a subway would not be in excess of the cost occasioned to such railroad by rerouting their tracks and right-of-way, but that the safety and best interests of the traveling public could be better served by a rerouting of said railroad, then said State highway commission shall have authority to order a rerouting of said railroad without regard to comparative cost.

"The costs occasioned to such railroad company by such rerouting, or construction of overhead passage or subway in compliance with such order shall be paid to said railroad company by the State highway commission upon receipt of claims properly audited by their engineering department and when approved by the Public Roads Administration shall be paid from funds allocated to such States by the Federal Government for the elimination of grade crossings or the improvement of the State highway system.

"In the event such railroad company, when so ordered to reroute its right-of-way, shall believe such order of such highway commission to be arbitrary, unreasonable, and oppressive, then such railroad company shall have the right to appeal from such order to a court of competent jurisdiction of the county, parish, or town wherein such proposed rerouting is ordered and the issue shall be tried as in any other civil action."

Mr. GILLIE. Mr. Chairman, I will try my best in the short period of time I have to explain this to you.

As you will observe, the amendment itself explains what I desire to have done by this amendment. Picture for a moment this situation: Crossing my own particular district we have five transcontinental railroads. We have the New York Central; the Baltimore & Ohio; the New York, Chicago & St. Louis, better known in our district as the Nickel Plate; the Wabash; and the Pennsylvania Railroads. The last three railroads pass through my own city. The Wabash and the Pennsylvania almost parallel each other through to the central part of the city. The Nickel Plate Railroad crosses the Pennsylvania a few miles west of Fort Wayne and comes into the business district of the city. Down through the

years the Nickel Plate Railroad has done a magnificent job in helping to build Fort Wayne. The traffic over this railroad during the war is extremely heavy. It is one of the best railroads we have in our section, I am sure, but because of the fact that it travels down through the central part of our city, through the business section, it has seriously impeded automobile and pedestrian traffic.

We have tried for a great many years to get this railroad to elevate its tracks so that it would not interfere with downtown general traffic. However, we have never been able to accomplish this.

Failure to elevate these tracks has hampered the development of the northern section of our city, and as a result the city is growing southward. So I think if we could arrange to have the State highway commission eliminate these grade crossings, either by elevating the tracks or by rerouting the railroad, it would be beneficial to the public safety.

Other cities in the State of Indiana have similar problems, and for that reason the committee should seriously consider this amendment, inasmuch as the Federal Government will give half of this money and the State will supply the rest of it.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. GILLIE. I yield to the gentleman from Oregon.

Mr. MOTT. I am interested in the legal phase of the gentleman's proposal. On what theory does he think the Congress could authorize a State highway commission to relocate a railroad? That is not a Federal matter.

Mr. GILLIE. That is not a Federal matter.

Mr. MOTT. What jurisdiction would the Federal Government have to order that by law?

Mr. GILLIE. We do not ask the Federal Government to do that. We are merely asking to get this amendment into the bill so that the State of Indiana would supply the necessary legislation to implement this recommendation.

Mr. MOTT. It does not appear to me that under the Constitution Congress can authorize the passage of a law directing a State highway commission to relocate a railroad.

Mr. GILLIE. It is right in this amendment; that the State highway commission and the Public Roads Administration shall have authority to order a rerouting of such railroad.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. LUDLOW. Mr. Chairman, I ask unanimous consent that the gentleman be given 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MOTT. If the gentleman will yield further, will he repeat his language in the amendment right on that point?

Mr. GILLIE. I said that the State highway commission and the Public Roads Administration shall have authority to order a rerouting of such railroad.

Mr. MOTT. A State highway commission cannot be given that authority

by the Congress. They can be given that authority by State law, but not Federal law.

Am I mistaken in thinking that the gentleman's amendment confers jurisdiction upon a State highway commission to relocate a railroad?

Mr. GILLIE. By State authority.

Mr. MOTT. I do not believe you can do it.

Mr. GILLIE. I think you can. However, as I said before, this is an opportunity for the State highway commission and the citizens of my city, Fort Wayne, and the railroad officials, to work out a plan to correct the terrible traffic situation we have in our city. This traffic situation has caused trouble for the last 25 years. As the city continues to grow, this situation will continue to get worse. We now have an opportunity to work toward successful resolutions of this problem and I trust that the Committee will give this amendment favorable consideration.

Mr. EDWIN ARTHUR HALL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, as a former member of the Committee on Roads, I have always attempted to maintain a lively interest in the highway building program of this great country. Not only do I favor the idea of a great public roads system after this war, but I strongly advocate our instituting such a program for one particular reason. I believe that what we do in the decade after the war will determine the future of America for the next century. It took 10 years of idleness in Germany after 1918 to cause the rise of national socialism and that arch-fiend Adolf Hitler. It took a decade of unrest brought about by unemployment on the continent of Europe to ruin the future peace. The way we solve this problem of unemployment, both by private employment and by public works, and by the building of public highways, will decide what becomes of this great land. So, Mr. Chairman, I think it is very important that we pass a good bill now, a bill that will take care of some of the unemployment which private industry is not able to remedy.

I hate to visualize, and I know the rest of the Members of this House do, too, what would happen after this war if we failed to take any further interest in the legislation which we have passed for the returning soldiers. What is going to happen to the war jobs? They are going out the window. The war plants will be idle unless those in authority assume some responsibility for creating peacetime jobs for every American.

I would rather see this highway bill go through than a thousand leaf-raking projects put into effect. I would rather see employment given the laboring men of America on highways than through boondoggling projects which the W. P. A. and all the other alphabetical agencies of the New Deal in the past decade tried to make work. I think this bill will answer the great question that a lot of us are pondering and I expect to support it.

It will go a long way in taking care of the post-war unemployment which is bound to appear just as soon as the war

contracts, which are already terminating by the dozens, really go out of existence. I hope this bill will pass as it now is.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SPRINGER. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I wish to state at the outset that the amendment which my colleague, the gentleman from Indiana [Mr. GILLIE], has presented to the House is an amendment which was prepared under the specific direction of the State Highway Commission of the State of Indiana, and which was carefully prepared by the legal department of the State highway commission of that State. It involves matters which exist in Indiana and it also involves matters which exist in practically every other State of the Union. The situation which has been detailed and outlined by my colleague, the gentleman from Indiana [Mr. GILLIE] exist, I am confident, in many of the States of the Union, if not in all of the States of the Union. There is another situation which develops, and I know this is a situation which exists in practically every State of the Union. As we know, the railroads came along and thereafter the towns sprang up, and, in many instances, the railroads run along some of the principal streets in our villages, towns, and cities. I know many of those instances in my own State and I know of many of such instances which exist in various other States. In those cases where the railroad runs along the streets in our villages, towns, and cities, we find numerous grade crossings, where the intersecting streets cross, and in many of those cases the particular street along which this railroad extends, running lengthwise of the street, is one of the major highways in that vicinity. I call to mind, not only in my own State, but in other States, where these major highways run along these same streets which are now occupied by railroads—the railroad running down the center of that street, and upon and along the major highway.

For example, referring to the farm-to-market roads which will run into these major highways, and the major highways leading to the market place where the farmers will eventually find the place to dispose of their produce, in many of those instances, those farmers will be compelled to travel along streets which are occupied by railroads, and they will encounter grade crossings, thereby enhancing and increasing the hazard and the danger of accident to the traveling public. That one particular instance, which I have just called to the attention of the Members of the House, exists in one of the larger cities in the congressional district which I have the honor to represent, a city which has the honor of having been designated as the "typical American city," Muncie, Ind. I know of that same condition existing in various other cities in Indiana and in various other States throughout the Nation.

Under the provisions of the pending bill, there is no provision by which this extreme and grave hazard can be entirely eliminated. But by the amendment offered by our colleague the gentleman from Indiana [Mr. GILLIE] that

situation could be handled properly and the danger eliminated and be remedied by and through the various State highway commissions, acting in conjunction with the Public Roads Commissioner, and they, cooperating and working together, could eliminate that extreme and grave hazard.

Under this highway bill, as I see it, and as we are all thinking about it, one of the outstanding thoughts which emanates from it is that safety be provided for the traveling public insofar as it is possible to do so. This amendment which the gentleman from Indiana [Mr. GILLIE] has offered, provides a method by which these extreme and grave hazards can be eliminated through the cooperation of the State highway commissions and the Public Roads Commissioner. I think this is a laudable amendment and I hope the Members of the House will adopt it.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. LUDLOW. Mr. Chairman, I ask for recognition.

Mr. Chairman, as my colleague from Indiana [Mr. SPRINGER] has stated, this amendment has support of the Indiana Highway Commission which is composed of nationally known highway experts. The import of the amendment is Nationwide in its scope. Its purpose is to facilitate the abolishment of grade crossings wherever it is in the public interest to do so, to the extent that is possible under the grade-elimination provisions of this bill.

In the bill before us, by an amendment adopted yesterday there are earmarked funds to the extent of 15 percent, that may be applied to abolishment of grade crossings. The amendment my distinguished colleague from Indiana is presenting is predicated on the theory that there should be some authority representing the interests of the public that can advise and direct the railroads what to do in order that dangerous grade crossings may be eliminated. That authority under the set-up proposed in the amendment is the State highway commission of each State in collaboration with the Public Roads Administration.

Mr. PHILLIPS. Mr. Chairman, will the gentleman yield for a brief question?

Mr. LUDLOW. Certainly.

Mr. PHILLIPS. Does this amendment have any connection with the division of the money between the railroads and the Federal Government, as to how the cost of these grade-crossings is to be divided between the Federal Government and the railroads?

Mr. LUDLOW. Under this amendment it is all to be paid by the Federal Government. There is no burden on the railroads. An order to a railroad company to reroute its tracks to conform to this program of track elimination does not impose a financial burden on the railroad under this amendment. The railroads have about all the burdens they can bear in taxes and cost of repairing run-down equipment.

I think it is only fair to the railroad companies to say that they are as anxious as anyone else to protect human lives. Many railroad companies are in

favor of local grade elimination projects but are not in a financial position to assume the cost. The situation in which they find themselves is deserving of sympathetic consideration.

During this national emergency the railroad companies have shown themselves to be highly patriotic and cooperative and they have done a magnificent job. When the history of the war is written it will be found that the transportation record has been one of the most outstanding accomplishments. The figures as to the men and tonnage successfully and expeditiously handled is perfectly marvelous. All credit is due to the railroads for one of the greatest feats at a time when many great feats were being performed.

But in accomplishing these results rolling stock and road beds have been taxed beyond reasonable limits. The railroads, in addition to their heavy taxes, must raise enormous revenues for rehabilitation purposes if they are to continue to function with safety to passengers and crews. I would oppose this proposed amendment if it placed any part of the burden of cost on the railroad companies at this time when all of their vital resources are so much needed for rehabilitation purposes.

The cost of the rerouting under this amendment is to be paid from the appropriation carried in this bill and earmarked for grade eliminations upon receipt of claims properly audited. If a railroad company believes the order of the Highway Commission to be unreasonable and oppressive it has the right of appeal to a court of competent jurisdiction in the county where the improvement is to be made and the issue shall be tried as in any other civil action.

This amendment seeks to protect the rights of both the carriers and the public. The proponents of the amendment are convinced that it opens the way for the elimination of many dangerous grade crossings. They believe it is the only way these eliminations can be made. We submit the plan and invite your considered judgment as to its merit.

By unanimous consent of the House, I present for printing in the *Record* at this point two telegrams I received today from Indianapolis:

Urge your support amendment to S. 2015 Federal roads appropriation bill enabling State highway and public roads administration to reroute railroad right-of-way as means of eliminating grade crossings. Our investigation shows this will facilitate thoroughfare highway program for post-war.

GEORGE A. KUHN,
Chairman, Indianapolis Post-
War Planning Committee.

Urge amendment to Senate bill S. 2015 granting authority to State highway commission to order grade elimination or rerouting for reason that vesting of authority in commission is necessary to facilitate and speed execution of order. Law will be futile without authority to compel execution. Grade eliminations badly needed in many Indiana cities. Life and property as well as thousands of man-hours and gasoline are lost by delays of passenger cars, trucks, and busses at Indiana grade crossings.

W. VINCENT YOEKEY,
Executive Secretary, Indiana
Municipal League.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. MOTT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the objectives sought to be attained by this amendment are proper, but I think they cannot be attained by an amendment of this kind. I cannot support this amendment because a careful reading of it convinces me it constitutes a direct trespass by the Federal Government on the jurisdiction of the States. The language of this amendment gives the State highway commission authority to order the rerouting of a railroad. That is a matter entirely within the jurisdiction of the State. The State highway commission could be given this authority by State law if the legislature or the people of the State involved wanted to do it; but the Congress certainly would not have any right to authorize a State highway commission to order the rerouting of a railroad. I believe that should a railroad company contest a case arising out of the administration of such an amendment, the highest Court undoubtedly would hold it unconstitutional. For this reason I cannot support the amendment.

Mr. ROBINSON of Utah. Mr. Chairman, I ask that all debate on this amendment close in 5 minutes.

Mr. PHILLIPS. Mr. Chairman, I object. I ask recognition on the amendment.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. PHILLIPS. Mr. Chairman, my object in taking this time is to ask for information from the gentleman from Oregon [Mr. MOTT] and from the gentleman from Utah [Mr. ROBINSON] in connection with this amendment which has to do with the elimination of grade crossings through the use of Federal funds. Is there now in the bill any provision for the division of costs between the railroads and the Federal Government on a basis which has been established in the bill or by amendment? In the State of California our custom has been to divide the costs in each case on a basis set up by the railroad commission. It has been a very satisfactory method and we would not be well satisfied with some other formula set up either in the bill as reported by the committee or by amendment. What is the situation in the bill?

Mr. ROBINSON of Utah. Mr. Chairman, will the gentleman yield?

Mr. PHILLIPS. I yield.

Mr. ROBINSON of Utah. There is no change in existing law. The law has been in existence, I believe, for about 10 years. Under this law the entire cost of reconstruction involved in changing a railroad grade crossing can be borne by the Federal Government.

Mr. PHILLIPS. The gentleman says "can be." If some portion of the cost is borne by the railroad who determines the amount?

Mr. ROBINSON of Utah. That is done by agreement between the State and the railroad company.

Mr. PHILLIPS. That is the way we should like to have it.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. PHILLIPS. I yield to the gentleman from Oregon.

Mr. MOTT. I think another statement could be made in that connection. If the grade crossing elimination involved land acquisition, then under present law the Federal Government would pay not more than one half of it.

Mr. PHILLIPS. Is that a change in present law?

Mr. MOTT. That is the law as it has always stood and would be the law under this bill as presently written; but if acquisition of land is not involved the Federal Government would pay for all of it.

But I wanted to suggest this and I ask the chairman of the committee if it would not be possible under present law to eliminate grade crossings by the relocation of railroads?

Mr. ROBINSON of Utah. Mr. Chairman, will the gentleman yield?

Mr. PHILLIPS. Yes; I yield to the gentleman.

Mr. ROBINSON of Utah. The gentleman's question is whether or not the grade crossing elimination by overpass or underpass is always necessary?

Mr. MOTT. I rather doubt it. It is my opinion that grade-crossing elimination would not be confined entirely to underpass or overpass if by a change of location of the railroad itself a grade crossing could be eliminated and I do not see why it could not be done in that way.

Mr. PHILLIPS. Does the gentleman from Utah want me to yield?

Mr. ROBINSON of Utah. I think, however, under the law it would practically have to be a change in the highway and very likely not involve a change of the railroad because when you come to the question of changing the railroad you have to deal with the Interstate Commerce Commission.

Mr. PHILLIPS. Is the gentleman from Oregon satisfied?

Mr. MOTT. Yes.

The CHAIRMAN. The time of the gentleman has expired.

The gentleman from Ohio [Mr. SMITH] is recognized for 5 minutes.

(Mr. SMITH of Ohio asked and was given permission to revise and extend his remarks in the Record.)

Mr. SMITH of Ohio. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. ROBINSON of Utah. Mr. Chairman, I do not like to object, but everyone here is waiting to proceed with this bill and under the circumstances I am forced to object.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. SMITH of Ohio. Mr. Chairman, from the debate that has been going on in respect to H. R. 4915, it is quite evident that certain Members of the House persist in trying to relate the Federal-aid road program to the Federal revenues derived from taxes on lubricating oil, gas, manufacturers' sales tax on trucks, other automobiles and motorcycles, tires and

tubes, auto parts and accessories, and the automobile use-stamp tax. They give figures showing the amount of these so-called highway-user taxes. The gentleman from Utah [Mr. ROBINSON] chairman of the Roads Committee, said in the debate on this measure:

The user of the highway, the man who owns the automobile, pays into the Federal Treasury for the use of that automobile on our highways about \$650,000,000 a year. Therefore, we are financing our own roads and in addition we are paying into the Federal Treasury about \$150,000,000 a year in taxes. While technically it comes out of the Federal Treasury it does so because we put it in there with the understanding it shall be used for these roads.

They make an attempt to convey to the country the idea that the revenues collected from these sources are somehow earmarked legally or morally for the Federal-aid road program and that, therefore, it is self-sustaining. This is a wholly false position. The facts do not sustain it. Neither the Treasury nor the Internal Revenue Department recognize any such thing as highway-user taxes, either as such or as taxes levied on the above-stated articles as being in any way related to their use on public highways.

Federal taxes are levied upon all lubricating oil and gasoline sold in the United States and not only on these products sold to highway users. Farmers must pay a Federal tax on these products for their use in tractors on the farm. Aviation interests and all other users of internal-combustion engines off the highways must pay the Federal taxes on these products. Every manufacturer must pay these Federal taxes.

These facts should be sufficient to completely dispel the claim that the cost of the Federal Government's contribution to the Federal-aid road program is borne by highway users, or that it is directly or indirectly related to excise taxes on any article used in highway transportation.

I have seen no break-down of the amounts of these taxes that is derived from those who use the highways and those who do not. The Internal Revenue Department informs me that it does not have this break-down. Certainly the amount of these revenues collected from users off the highways must be comparatively large.

Following are some data provided me by the Internal Revenue Department which should be of considerable interest to the Members:

Excise revenue collected on all lubricating oil, gasoline, manufacturers' sales taxes on trucks, other automobiles and motorcycles, tires and tubes, automobile accessories and parts, and the auto-use tax for the following fiscal years ending June 30 of each of the years 1941, 1942, 1943, and 1944

Lubricating oil-----	\$38,220,000
Gasoline-----	343,021,000
Trucks-----	10,746,000
Other automobiles and motorcycles-----	81,402,000
Tires and tubes-----	51,054,000
Auto parts and accessories-----	13,083,000
Total-----	537,526,000

Lubricating oil	\$46,432,000
Gasoline	369,587,000
Trucks	18,361,000
Other automobiles and motor-cycles	77,171,000
Tires and tubes	64,811,000
Auto parts and accessories	28,087,000
Total	604,449,000

Lubricating oil	43,318,000
Gasoline	288,785,000
Trucks	4,229,000
Other automobiles and motor-cycles	1,424,000
Tires and tubes	18,345,000
Auto parts and accessories	20,478,000
Use tax	146,284,000

Total..... 522,863,000

Lubricating oil	52,473,000
Gasoline	271,216,000
Trucks	3,246,000
Other automobiles and motor-cycles	1,221,000
Tires and tubes	40,333,000
Auto parts and accessories	31,551,000
Use tax	134,325,000

Total..... 534,365,000

May I ask this question?

If the highway users are entitled to the use of the revenues from excise taxes on the lubricating oil and gasoline they use on the highways for the maintenance and construction of the highways, then why is not the farmer entitled to recover the Federal tax he pays on these same products to repair and construct lanes on his farm?

Why am I not entitled to recover the Federal taxes I pay on the lubricating oil and gasoline that are used to operate the tractor on my farm to help pay for improving the lanes on my farm?

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Ohio. I yield to the gentleman from Oregon.

Mr. MOTT. The gentleman would not pay any State or Federal gasoline tax on the gasoline used on his farm. He only pays a Federal and State tax on the gas he uses for highway purposes.

Mr. SMITH of Ohio. That is not true. The facts are to the contrary. They are just as I have stated them. My information was obtained directly from the Internal Revenue Department this morning.

Mr. MOTT. May I say to the gentleman that is certainly true of the Federal Government, and it is true in my own State. In Ohio they may tax the farmer when he buys gasoline, but I do not know of any other State that does it.

The amendment which provides for starting this proposed Federal-aid road program in 1945, regardless of the status of the war, certainly does not help this measure.

Also, the amendment which provides that no State which diverts any of its gasoline taxes, automobile license fees, or other taxes or fees intended for highway purposes to other uses can obtain any Federal funds for highway purposes.

The data relating to "estimates of ability to match apportionment under H. R. 4915," on pages 8510 and 8511 of the November 24, 1944, RECORD are extremely

interesting. Those given under the heading "Remarks," especially. They should require no comment, but anyone who has had experience in and the responsibility of financing most any one of the political subdivisions must realize that any public spending program based on such data as those cannot possibly be sound financially.

Mr. ROBINSON of Utah. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. ROBINSON of Utah. Mr. Chairman, I sincerely hope that the Committee will not support this amendment. In the first place, there is very serious question of the constitutionality or the legality of this kind of an amendment in the present highway bill. This amendment, I appreciate, might aid in the solution of a particular problem in some district or in some city, but it does this, which seems to me would be entirely wrong to do in a highway bill. It would permit the relocation of a railroad without a cent of payment from the railroad for relocation, and the Federal Government would be required to pay the entire cost. Surely this Committee would not want to enact that kind of legislation.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. Not only the relocation, but the elevation of railroads would be covered by this bill; a matter absolutely foreign to the bill under consideration.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield to the gentleman from Iowa.

Mr. CUNNINGHAM. Would not the adoption of this amendment amount to the Congress of the United States telling the highway commissioners of the several States to regulate interstate commerce?

Mr. ROBINSON of Utah. I think that is also true. Mr. Chairman, I ask the Committee to vote down this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. GILLIE) there were—ayes 9, noes 59.

So the amendment was rejected.

Mr. STEWART. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEWART:

On page 4, line 25, after "exceed," strike out "60" and insert in lieu thereof "75."

On page 5, line 2, after "exceed," strike out "50" and insert in lieu thereof "60."

On page 5, line 5, strike out "exceeding."

On page 5, line 6, strike out all of line 6 and down to and including "area" in line 10.

Mr. WOLCOTT. Mr. Chairman, I make the point of order against the amendment that it perhaps would properly come as an amendment to the

amendment I offered yesterday, but it is not in order at the present time inasmuch as that language has been stricken out and new language substituted for it.

The CHAIRMAN. Does the gentleman from Oklahoma desire to be heard on the point of order?

Mr. STEWART. Yes, Mr. Chairman.

The CHAIRMAN. The Chair will be glad to hear the gentleman on the point of order.

Mr. STEWART. On the question of the point of order, a majority of the votes of a legislative body can do anything in the way of changing any amendment adopted or that failed to be adopted. My amendment was offered, I believe, before the amendment of the gentleman from Michigan [Mr. Wolcott] was offered, but we are just now getting to it. We are just a little late. Not having had an opportunity of reading the gentleman's amendment until the RECORD was printed this morning, I believe the only question involved is the matter of percentage. I think the question is properly raised because my amendment does not represent the same percentage that was in the bill formerly, so I think my amendment is germane.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from Oklahoma offers an amendment which has been reported, and the gentleman from Michigan makes a point of order against the amendment. The Chair invites attention to the fact that the language appearing in the bill on page 4, line 23, section 5, down through and including the first four words in line 3 on page 5, was stricken out by the amendment adopted yesterday. The amendment offered by the gentleman from Oklahoma seeks to amend language carried in the original bill, which has already been amended by an amendment adopted on yesterday. The amounts appearing in the original language of the bill, which the gentleman seeks to amend or change, do not appear in the amendment which was adopted yesterday. Therefore, the Chair thinks that very clearly the first part of the gentleman's amendment is subject to a point of order, therefore all of it, and sustains the point of order.

Mr. STEWART. Mr. Chairman, I ask unanimous consent that this amendment go to the question of percentages as did the Wolcott amendment, and that I may have an opportunity at this time to amend my amendment in dealing with the percentage in the Wolcott amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. WOLCOTT. Mr. Chairman, I make the point of order against the unanimous-consent request that it is not properly put, as I understand it. The only way the gentleman can submit his amendment is to ask unanimous consent to vacate the proceedings by which the amendment I offered was adopted, which, of course, I would object to.

The CHAIRMAN. The Chair is of the opinion that would be one way. But, the gentleman from Oklahoma presenting a unanimous consent request, may pre-

sent it in his own way, and as presented by him, his request is subject to the consideration of the committee.

Is there objection to the request of the gentleman from Oklahoma?

Mr. WOLCOTT. Mr. Chairman, reserving the right to object, I would like to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WOLCOTT. Where does the gentleman from Oklahoma intend to offer his amendment?

Mr. STEWART. To that part of your amendment which reduced 60 to 50 percent, to raise your 50 percent to 75 percent and 60 percent, and eliminate that part, in your amendment, referring to Indian lands on a percentage basis, leaving that purely to a question of the area, regardless of the State, and the acreage, where you state they are to participate equally.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. ROBINSON of Utah. Mr. Chairman, I object.

Mr. STEWART. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I am sorry that the chairman of the committee has taken the attitude of objecting to a request for a post-war program. We are merely considering a routine Federal-aid bill and trying to make a political football out of it, as if we were putting up a post-war road program. The truth is, my State does not receive one dollar in addition by reason of this much publicized, advertised, and advocated bill, any more than it would receive under the regular Federal-Aid Act. I am sorry that the boys and girls from the broad prairies are not here where they could vote against the boys from the tall skyscraping cities and really make this a post-war bill. I am interested in roads. I have been interested in roads ever since I became a grown man.

Mr. ROBINSON of Utah. Mr. Chairman, will the gentleman yield?

Mr. STEWART. I am happy to yield, sir.

Mr. ROBINSON of Utah. I wish to state that Oklahoma under this bill will receive annually, \$10,171,000. That is over \$30,000,000 which the State of Oklahoma will receive in the 3 years under the provisions of this bill.

Mr. STEWART. Mr. Chairman, I think I am familiar with the figures as to what Oklahoma will get. Oklahoma has not collected gasoline tax on all of the oil and gas; she has sold during the war and the revenues are very much decreased over normal times—the major portion of gas is sold to the Government free from taxes. She has not anything but a bunch of 4-year-old cars just like the rest of the States of the Union, and all the State's maintenance equipment is worn out and a bunch of junk. The first thing the State highway department is going to do when the markets are opened, is buy graders, trucks, tractors, and other equipment to maintain the roads which are worn and being worn out during this war. All this expense coming at once will take a great deal of the money com-

ing into the road fund and the State cannot match dollar for dollar. We are going to have just what the little boy shot at, when this bill passes, in the way of a program—simply nothing. I am sorry, due to parliamentary procedure, the chairman of this committee, who represents one of the broad-acre States, has objected to the consideration of my amendment. At the time the State engineer and the three members were before the Roads Committee this bill provided 75-percent participation by the Federal Government—that is just what my amendment proposes to do. As the bill now stands since the adoption of the Wolcott amendment we will have a more restricted Federal-aid bill than we have had in many years.

(Mr. STEWART asked and received permission to revise and extend his remarks.)

Mr. BEALL. Mr. Chairman, I offer an amendment which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. BEALL: On page 5, line 15, insert a new section, as follows:

"SEC. 6. Notwithstanding the provisions of the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, or of the Federal Highway Act of November 9, 1921, as amended and supplemented, not to exceed 50 percent of the amounts apportioned to any State under the provisions of this act may be used to pay the Federal share of the cost of construction of any toll highway in such State on the same basis and in the same manner as in the construction of any free highway upon the condition that any such toll highway shall be owned and operated by such State and all tolls received from the operation thereof, less the actual cost of operation and maintenance, are applied to the repayment to the State of its part of the cost of construction of such toll highway; and upon the further condition that when the amount contributed by such State in the construction of such toll highway shall have been repaid from the tolls, the collection of tolls for the use of such highways shall thereafter cease and the same shall be maintained and operated as a free highway: *Provided*, That the provisions of this section shall not be construed to permit the imposition of tolls by any State or political subdivision thereof on any highway heretofore built with Federal aid under the provisions of the Federal Highway Act of November 9, 1921, as amended and supplemented: *Provided further*, That this section shall apply only to the funds provided in this act for post-war highway construction and when such funds are expended, this section shall become inoperative."

[Mr. BEALL addressed the Committee. His remarks will appear hereafter in the Appendix.]

Mr. ROBINSON of Utah. Mr. Chairman, I ask unanimous consent that all debate on this amendment and on this section close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. WHITTINGTON. I rise in opposition to the amendment.

Mr. Chairman, the amendment offered by the gentleman from Maryland [Mr. BEALL], involves the use of Federal-aid

highway funds for the construction of toll roads. No matter how much that road, whether toll or otherwise, may be desired in a metropolitan area, it is and has been the uniform policy in Federal-aid highway legislation that no tolls shall be permitted on such roads.

I call attention to section 9, of the Highway Act of 1921, and I read:

All highways constructed or reconstructed under the provisions of this act shall be free from tolls of all kinds.

It is to the credit, and it is one of the chief virtues, of Federal highway legislation and Federal aid for all types of highways, whether the funds have been used in the construction of highways or bridges, that through the years, from the inception of the Federal-aid highway program in 1916 down to date, all appropriations have been made with the definite understanding that there should be no tolls. I think it is unwise to depart from that policy at this time.

Mr. BEALL. Will the gentleman yield?

Mr. WHITTINGTON. Yes; I yield to the gentleman.

Mr. BEALL. The gentleman will notice in this amendment we do not permit the closing of any existing highways. If there happens to be now in use any highway, it cannot be closed under this amendment.

Mr. WHITTINGTON. I so understand. I understand the gentleman's amendment. But when all has been said and done, and even with the reservation in the amendment, the fact remains that these funds are now requested under the gentleman's amendments to be used for the construction of a toll road. That is contrary to the policy of Federal aid. While I am in sympathy with the gentleman in his effort to solve his metropolitan problems, yet in my judgment it would be most unwise to depart from the policy that has universally obtained, for I oppose any Federal aid to any toll bridge or highway.

I trust that the amendment will be promptly voted down.

Mr. BEALL. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield.

Mr. BEALL. Does the gentleman realize that if we were to build a new road from Baltimore to Washington it would take all the money for the next 6 years the total amount in this bill, to construct such road?

Mr. WHITTINGTON. I stated I was in sympathy with the gentleman's problem. He brought this matter to the committee and they unanimously rejected it. While there is need for superhighways in metropolitan areas there is a way to get them, but that way is not to change the policy that has obtained with respect to Federal-aid highways in all 48 States of the Union, since Federal-aid highways were first authorized.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

The amendment was rejected.

The Clerk read as follows:

SEC. 6. If the Commissioner of Public Roads shall determine that it is necessary for the

expeditious completion of projects undertaken pursuant to this act, he may advance to any State from funds heretofore or hereafter made available the Federal share of the cost thereof to enable the State highway department to make prompt payments for work as it progresses. The funds so advanced shall be deposited in a special trust account by the State treasurer, or other State official authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for work actually performed in accordance with plans, specifications, and estimates approved by the Public Roads Administration under the provisions of this act. Any unexpended balances of funds so advanced shall be returned to the credit of the appropriation from which the funds have been advanced.

Mr. WOLCOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WOLCOTT: On page 6, line 8, strike out the period, insert a semicolon and the following: "Provided, That any advance made to any State under the provisions of this section shall be deducted from any apportionment allocated to such State under the provisions of this act for the year next succeeding the year in which such advance is made and no agreement made in accordance with the provisions of section 2 of this act shall be valid for any pro rata share of the cost of construction in excess of such apportionment less such advance."

Mr. ROBINSON of Utah. Mr. Chairman, I think there is no objection to that amendment. I believe it is a good amendment, and as far as I am concerned will accept it.

Mr. WOLCOTT. I may say to the gentleman from Utah that I believe it carries out the thought of the committee.

Mr. ROBINSON of Utah. I am sure it does.

The CHAIRMAN. Without objection, the amendment is agreed to.

There was no objection.

Mr. SAUTHOFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment by Mr. SAUTHOFF: Page 5, line 22, strike the period, insert a colon and add the following: "Provided, That such State has not diverted revenues derived from gasoline taxes, automobile license fees, and other taxes and fees intended for highway purposes to other uses."

Mr. SAUTHOFF. Mr. Chairman, I have offered this amendment for the simple reason that in the last year of highway construction \$226,000,000 was diverted from State funds for other than highway purposes.

Now, what is the effect of this? Let me point out what it will do in my State. In 1941, which is the last year we had highway construction preceding the war we had \$3,400,000 allotted to us from Federal highway-aid funds. That was not a difficult amount to match. The amount prescribed in this bill will mean \$12,000,000 instead of \$3,400,000 for Wisconsin.

Mr. ROBINSON of Utah. Will the gentleman yield?

Mr. SAUTHOFF. I yield to the gentleman from Utah.

Mr. ROBINSON of Utah. Mr. Chairman, I have just consulted members of the committee who are here and so far as the Members present are concerned,

we are willing to permit the amendment offered by the gentleman from Wisconsin.

Mr. SAUTHOFF. Mr. Chairman, I thank the chairman of the committee and want to compliment the committee on its good work on this bill.

Merely by way of explanation I should like to add that it is not my intention to interfere with any State law by this amendment. I am trying to save States from increasing their State taxes in order to meet the 50-50 matching basis. If highway funds are kept for highway purposes, no additional State taxes will be required.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. SAUTHOFF].

The amendment was agreed to.

(Mr. SAUTHOFF asked and was given permission to revise and extend his remarks.)

The Clerk read as follows:

SEC. 7. There shall be designated within the continental United States a national system of interstate highways not exceeding 40,000 miles in total extent so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of the national system of interstate highways shall be selected by joint action of the State highway departments of each State and the adjoining States, as provided by the Federal Highway Act of November 9, 1921, for the selection of the Federal-aid system. All highways or routes included in the national system of interstate highways as finally approved, if not already included in the Federal-aid highway system, shall be added to said system without regard to any mileage limitation.

SEC. 8. With the approval of the Federal Works Administrator, not to exceed 1½ percent of the amount apportioned for any year to any State under the Federal Highway Act as amended and supplemented, except sections 3 and 23 thereof shall hereafter be used with or without State funds for surveys, plans, engineering, and economic investigations of projects for future construction in such State, on the Federal-aid highway system and extensions thereof within municipalities, on secondary or feeder roads, urban highways or grade-crossing eliminations, and for highway research necessary in connection therewith.

SEC. 9. For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), as amended and supplemented, there is hereby authorized to be appropriated (1) for forest highways the sum of \$25,000,000 for the first post-war year and a like amount for each of the second and third post-war years; and (2) for forest development roads and trails the sum of \$12,500,000 for the first post-war year and a like amount for each of the second and third post-war years: *Provided*, That the apportionment for forest highways in Alaska shall be for each year \$1,500,000 and that such additional amount as otherwise would have been apportioned to Alaska for each of said years shall be apportioned among those States, including Puerto Rico, whose forest highway apportionment for such year otherwise would be less than 1 percent of the entire apportionment for forest highways for that year.

Mr. HOPE. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. HOPE: On page 7, line 18, strike out "\$12,500,000" and insert in lieu thereof "\$25,000,000."

[Mr. HOPE addressed the Committee. His remarks will appear hereafter in the Appendix.]

Mr. WHITE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, this is one of the most encouraging things that has happened in this House in a long time, when the gentleman from Kansas, a great agricultural State, recognizes what we have in the way of wealth and the development of the natural resources in the great forest sections of the United States. I have just come from one of the big developments out West, way back 80 miles in the rugged section of the forests of Idaho, where there is a model community, where they are mining and taking out a million dollars a month in mineral wealth to supply the needs of our war efforts. They are handicapped in moving out that material, because they have to haul it over three mountain ranges; over some of the worst roads you ever saw. If we could have liberal appropriations for forest roads and trails in the great undeveloped sections of the Northwest embraced in the national forest and bring out the minerals, and bring out the timber, it would go a long way in providing the revenues to pay our Government operating expenses in the form of taxes.

I am in full support of the amendment proposed by the gentleman from Kansas. I have been here 12 years, and I have been trying to impress this Congress and trying to impress the bureaus here in Washington with the importance of opening up new areas and opening up new wealth, not only in the State of Idaho and the Northwest, but in Alaska and all over the country where land has been set aside that is now embraced in national forests.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I yield to the gentleman from Mississippi.

Mr. RANKIN. Is there any opposition to this amendment?

Mr. WHITE. I do not know whether there is any opposition, but it ought to pass without any opposition. It is the most important thing that we can do here, and that is, to provide access to Government-owned timber and to open up the copper deposits and the iron deposits and minerals of all kinds that are locked up in the national forests, as well as to open up the timber resources and give access to water power sites. This timber is needed. It is inaccessible today. This simple appropriation will do more to open new wealth and give access to the things the Government owns, and thereby increase taxes and revenue, than anything else we in this House could do.

I certainly am encouraged that the gentleman from Kansas has taken the lead in this movement.

We are told that one-third of the water power in the Northwest is undeveloped. Where is this water power? It is in this inaccessible country, where there are no roads. It is inaccessible

now. Let us pass this authorization and give the Forest Service the money with which to open up that country.

Mr. ROBINSON of Utah. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 10 minutes, 5 minutes to be reserved to the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Oregon [Mr. ELLSWORTH].

Mr. ELLSWORTH. Mr. Chairman, I rise, speaking in favor of this amendment, for the particular purpose of directing the attention of the House to the fact that the logging industry of the United States has undergone a revolutionary change within the last few years, almost within the war period. Previous to 1940 or thereabouts most of the logs which were made into the lumber we use in this country were hauled out of the woods on railroad rails. The development of the pneumatic-tired logging truck has changed the picture entirely, so that at the present time more than 85 percent of all of the logs that are made into lumber in this country are hauled out over such roads as we are now discussing, namely; forest-development roads and highways.

This is simply a development in the line of progress, but it does indicate that in considering appropriations for forest-road development we must take into consideration the fact that more money will be required than heretofore for such roads because this new development has taken place in the operation of our forests.

The fact that this Congress not long ago reiterated the sustained-yield policy in Senate bill 250, which authorizes the Forest Service to make sustained-yield agreements with private owners in order to bring more and more of our timberlands under the sustained-yield principle, coupled with the new development I have just mentioned, makes it highly necessary that we have the widest possible development of roads in the forests so that the sustained-yield policy may be carried out. I urge the adoption of the amendment.

Mr. WHITTINGTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this pending section was given careful attention and the interests that it promotes most generous treatment by the committee. Section 9 provides for appropriations not to be matched out of the Federal Treasury of \$25,000,000 annually for 3 years for forest highways, and it provides for the authorization for appropriation for roads and trails, the secondary means of traversing the forests, \$12,500,000 a year for 3 years, the largest amounts ever authorized by Congress for such purposes, including the authorization under the National Industrial Recovery Act, when we authorized \$400,000,000 for highway construction. These amounts were thought out.

Our forests have been increased in the past 12 years, but in the past 3 years

they have been depleted. This is one type of construction that has gone on during the war. Congress has appropriated each year during the emergency, when we made no appropriations for our highways, moneys for the construction of roads in our national forests to reach our timber and to bring it to market, and these appropriations have amounted to large amounts annually. I have before me the last authorization bill we passed. It was in 1940; \$7,000,000 were authorized for forest roads. That was in 1940. We have acquired no more forests since then. And for the \$12,500,000 authorized by this bill, under the section under consideration, in 1940 we authorized \$3,000,000. I assert, Mr. Chairman, that the amounts carried in this bill, both for the forest highways and for the forest roads and trails, are the largest and most generous comparable amounts ever carried in any highway legislation.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I will yield in just a moment.

I represent an agricultural area. I am interested in the promotion of our forests, but when this committee, after months of consideration, gave to those interests and to those highways and to those trails and roads, the largest authorizations ever accorded them, it occurs to me there is no occasion for this amendment. And now I am glad to yield to the gentleman from Idaho.

Mr. WHITE. Mr. Chairman, the gentleman appreciates that in this war emergency we have been forced to send our mining men and our capital into foreign countries and have had to bring in lead from other countries and we have left ourselves locked up. Does the gentleman realize \$7,000,000 for forest roads and trails is a niggardly amount and does not reach the situation at all?

Mr. WHITTINGTON. Mr. Chairman, I decline to yield further. I have answered the gentleman's question.

Mr. WHITE. And that recently we have had to send our money to foreign governments and have increased taxation when we ought to put our money in our own country.

Mr. WHITTINGTON. Mr. Chairman, I decline to yield further. Mr. Chairman, the gentleman's attitude is typical of those who advocate increasing generous authorizations.

Repeating what I said a few moments ago: The Congress has been most generous. I have been in sympathy with forest roads because, as part of our emergency legislation, we have put the construction of roads in the forests and through the forests, to reach our timber, on the same basis that we have put the construction of roads to our Army camps and to our defense plants. In my judgment, we have been most generous and there are no reasons for this amendment.

Mr. HOPE. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield. May I have the gentleman's question, please?

Mr. HOPE. Mr. Chairman, I agree with the gentleman that this is an increased amount, but I want to inquire

of the gentleman if it is not true that we are now taking twice the amount of timber out of our national forests that we have taken in 5 years; and if it is not true, from now on we are going to take a proportionately larger amount?

Mr. WHITTINGTON. Mr. Chairman, I have answered the gentleman's question. We are not only taking it out but we are making provision to provide or appropriate the funds. Please keep in mind, also, that this is not the only money that is being spent for the construction of roads, trails, and highways. Much of the proceeds of the timber that is being used in the war effort, and being sold from these forests, is used in the construction of forest roads. I think I have yielded to the gentleman sufficiently.

Mr. HOPE. Mr. Chairman, if the gentleman will yield for just one more question, only 10 percent of these proceeds are being used for that purpose.

Mr. WHITTINGTON. I understand, but that is an additional amount. I repeat, not only that amount or percent, but other amounts in this bill, provide most generous treatment. I trust the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. HOPE].

The question was taken; and on a division (demanded by Mr. HOPE) there were—ayes 21, noes 62.

So the amendment was rejected.

The Clerk read as follows:

SEC. 10. (a) For the construction, reconstruction, improvement, and maintenance of roads and trails, inclusive of necessary bridges, in national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of \$12,750,000 to become available at the rate of \$4,250,000 a year for each 3 successive post-war years.

(b) For the construction and maintenance of parkways, to give access to national parks and national monuments, or to become connecting sections of a national parkway plan, over lands to which title has been transferred to the United States by the States or by private individuals, there is hereby authorized to be appropriated the sum of \$15,000,000 to become available at the rate of \$5,000,000 a year for each 3 successive post-war years.

Mr. ABERNETHY. Mr. Chairman, I offer an amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. ABERNETHY: On page 8, line 19, strike out "\$15,000,000" and insert "\$30,000,000"; strike out "\$5,000,000" and insert "\$10,000,000."

[Mr. ABERNETHY addressed the Committee. His remarks will appear hereafter in the Appendix.]

(Mr. ABERNETHY asked and was given permission to revise and extend his remarks.)

Mr. RANKIN rose.

The CHAIRMAN. Is the gentleman from Mississippi seeking recognition on the amendment?

Mr. RANKIN. Yes.

The CHAIRMAN. The gentleman from Mississippi is recognized.

Mr. ROBINSON of Utah. Mr. Chairman, will the gentleman from Mississippi yield for a unanimous-consent request?

Mr. RANKIN. I yield.

Mr. ROBINSON of Utah. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 20 minutes, the last 5 to be reserved to the committee.

Mr. CASE. Mr. Chairman, reserving the right to object, that will not preclude me from offering a new section immediately following this, would it?

Mr. MILLER of Connecticut. Mr. Chairman, reserving the right to object, is the committee reserving 5 minutes in which to oppose the amendment?

Mr. ROBINSON of Utah. Yes; to oppose the amendment. I may say that the position of the committee is that these amounts are simply authorizations, not appropriations. The amount contained here, I say frankly, is less than has been authorized in any other bill. I believe the least we have ever authorized is \$7,500,000. The usual authorization is \$10,000,000. While personally I rather feel that this authorization for at least \$7,500,000 should be made, the committee did not feel that way, and I consider myself obligated to support the committee's views.

The CHAIRMAN. The gentleman from Utah asks unanimous consent that all debate on this section and all amendments thereto close in not to exceed 20 minutes, the last 5 to be reserved to the committee.

Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Mississippi [Mr. RANKIN], the gentleman from North Carolina [Mr. DOUGHTON], and the gentleman from Mississippi [Mr. McGEHEE] will be recognized for 5 minutes each and then the committee for 5 minutes.

Mr. MILLER of Connecticut. Mr. Chairman, I was seeking recognition; that is why I reserved the right to object.

The CHAIRMAN. The Chair is sorry; the Chair did not know the gentleman was seeking recognition.

Mr. MILLER of Connecticut. All I want is 2 minutes.

The CHAIRMAN. If the gentleman was seeking recognition he will be included and the time for the others accordingly reduced.

The gentleman from Mississippi is recognized.

Mr. RANKIN. Mr. Chairman, I hope the committee adopts this amendment. As has been pointed out by my distinguished colleague from Mississippi [Mr. ABERNETHY] and also by the chairman of the committee, the regular authorizations for this work have been \$10,000,000 a year. If this amount is cut to \$5,000,000 it will simply double the time necessary to complete the work; the waste and erosion that are taking place constantly on the roadbed will be that much greater and the expense that much larger; and it will be that much longer before these projects can be used.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. Yes; I yield.

Mr. ABERNETHY. I should like to point out further that these projects have already been under construction and authorized for 11 years.

Mr. RANKIN. Yes; they have not only been authorized but they have been under construction for a long time.

Mr. ABERNETHY. And we are obligated to finish them by statutory law.

Mr. RANKIN. Yes; we are obligated to finish them; this is a Federal obligation.

To slow this work down now after all these expenditures have been made, all the rights-of-way acquired, all the roadbed that has been built and the bridges that have been provided, and stretch this construction out over an unlimited number of years, would simply mean national waste.

One of these highways is the old Andrew Jackson Trail from Nashville to New Orleans known as the Natchez Trace. It is dedicated to the Chickasaw and Choctaw Indians. Those Indians opened up their territories to Jackson's army and made it possible for him to go to New Orleans in time to win that great battle in 1815.

This road is 446.81 miles long, and, as I stated, a large portion of the roadbed has already been built.

The Park Service is the one service that did not double its demands or estimates this year. Many of these agencies came in and asked for twice as much as they had been asking for, but the Park Service did not do that. It merely came in and asked for the amount that had been allotted to them from year to year. When the committee cut them all 50 percent, it reduced this service below actual requirements.

As has been pointed out, if we are going to finish this project we will have to do it immediately following the war. We will have more unemployment at that time and we will have more need for employment. It cannot be said that this great highway will not be used. It will probably be the most traveled highway of its kind in the country. There are no surface crossings, which will make it that much more desirable.

From a military standpoint this Natchez Trace will be one of the most valuable highways in America.

I hope the committee will accept the amendment and that it will be agreed to without opposition.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from North Carolina [Mr. DOUGHTON] for 4 minutes.

Mr. DOUGHTON of North Carolina. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Mississippi. As has been pointed out, this amendment does not authorize new projects. This amendment is only for projects that have been previously authorized and that have been partly constructed.

Mr. Chairman, I am somewhat familiar with the authorization and construction of the Blue Ridge Parkway, having been active in the original legislation. This parkway extends from the

Shenandoah National Park to the Great Smoky Mountain National Park, and has been partially constructed. However, the construction has been in sections and these sections are not connected. If this project is not completed those parts that have been constructed will be of very little benefit. The States, including my own State of North Carolina, have acquired the rights-of-way at an expense of several million dollars.

If this appropriation is cut down, or reduced by one-half, it will take some 15 or 20 years to complete the parkway and it will be of very little utility or benefit until it is completed. This parkway traverses, in North Carolina, one of the most scenic sections of the United States. When completed it will be not only a great asset to the entire eastern part of the United States, but it will also be a godsend to the people in that section where the parkway is being constructed. This parkway is located in the mountainous sections where there are few public works. It will be a great post-war development which will take care of any serious unemployment problem that may occur in that area.

I feel it will be an economy to the Federal Government now to complete the construction of these parkways which have been authorized and partially constructed.

The Blue Ridge Parkway, in which I am particularly interested, was authorized by an amendment to the Federal Aid Highway Act, June 16, 1936. This parkway is 477 miles in length, of which 332½ miles have been constructed at a cost of \$23,165,257.51. There are approximately 144½ miles yet to be constructed at an estimated cost of \$13,840,857.67, plus an additional \$1,493,884.82, which has already been allocated but not expended. If \$3,000,000 were allocated each year, it would take approximately 5 years to complete.

Mr. Chairman, I sincerely hope that the amendment offered by the gentleman from Mississippi will be adopted.

[Mr. MILLER of Connecticut addressed the Committee. His remarks will appear hereafter in the Appendix.]

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. McGEHEE].

Mr. McGEHEE. Mr. Chairman, several years ago this House and the Senate—and a majority of those who were Members at that time are still here—made a contract with the 8 or 10 States that these parkways traverse that they would construct these parkways in the event the States spent certain moneys and paid certain costs. The States have lived up to their obligations in this respect. They have bought the rights-of-way and paid the costs, as this Congress demanded of them.

We are thinking today of unemployment during the post-war period. Were it otherwise, this bill would not be before the Congress today. In the authorization of the appropriation of moneys we are devising ways and means for the construction of highways throughout this country of ours, not only highways for the public but highways to

the forest areas, to the park areas, and to others.

In the bill before you today the committee has recommended larger sums than have heretofore been given to any department of the Government with the exception of this one. Heretofore the Members of this House have authorized \$10,000,000 a year to be expended in the construction of these parkways. The committee now recommends only \$5,000,000 a year. The National Park Service recommended \$10,000,000 a year, the usual amount authorized by the Congress.

I understand from some members of the committee, they thought that this bureau asked for twice what they ought to have, just as every other department had asked for about twice what it should have, and they arbitrarily cut them in half. That is what was done in this case.

Certainly, Mr. Chairman, if you are going to continue the construction of these parkways, if you are going to continue in faith with the States through which these parkways go, if you are going to continue in faith with these States by putting up the funds for the construction of these parkways that you said you would, then there is no question but that you will vote for this amendment and give this bureau under this bill just what it has been securing for the past several years and what you have been giving it.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. McGEHEE. I yield to the gentleman from Oregon.

Mr. MOTT. The gentleman said the committee arbitrarily cut the amount of this item in two. Perhaps that is true, but is it not also true that a majority of the committee arbitrarily cut every other item in two that is proposed in this bill?

Mr. McGEHEE. That is true, but in most other instances twice as much was asked for as they had received before, so the committee cut the items. In this instance only the amount that had been heretofore authorized was asked for.

The CHAIRMAN. The Chair recognizes the gentleman from Utah [Mr. ROBINSON].

Mr. ROBINSON of Utah. Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The amendment was agreed to.

(Mr. DOUGHTON of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. CASE. Mr. Chairman, I offer an amendment which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. CASE: On page 8, after line 20, insert a new section, as follows:

"(c) For the construction, improvement, and maintenance of Indian reservation roads and roads to provide access to Indian reservations and Indian lands under the provisions of the act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of \$8,000,000 for the first post-war year and a like amount for each of the second and third post-war years: Pro-

vided, That under the provisions of the act approved September 5, 1940 (54 Stat. 867), the location, type, and design of all roads constructed shall be approved by the Public Roads Administration before any expenditures are made thereon, and all such construction done by contract shall be under the general supervision of the Public Roads Administration."

Mr. CASE. Mr. Chairman, I do not know that there is any opposition to this amendment. I have submitted it to the committee on both sides. It merely makes authorization for roads on Indian reservations, similar to that which has been carried in every previous highway authorization bill. Its omission in this bill was due to the fact that the Office of Indian Affairs had been moved to Chicago at the time of the hearings and was not able to make a presentation to the committee.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. CASE. Mr. Chairman, I do not care to debate this matter unless there is some objection to the amendment.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. CASE. I am glad to yield to a member of the committee.

Mr. WHITTINGTON. The language of the amendment is a bit different from the language previously carried for similar authorizations. The language, for instance, in the act of 1940 provides for the construction of roads and your amendment provides for the construction and maintenance of roads. In that regard it differs from the previous authorizations. Am I correct in that?

Mr. CASE. The gentleman is correct, but the language that I submitted is the language which I obtained from the Office of Indian Affairs. The gentleman understands that unless these roads are maintained the construction goes to pieces, and there is no other maintenance agency on the Indian reservations, other than the Office of Indian Affairs, and they thought it would be proper to have the language make clear their authority. Actually the word "improvement", which has always been carried, would probably be interpreted to cover maintenance.

Mr. WHITTINGTON. I understand that it is the language from the Office of Indian Affairs, but the fact remains, it is an enlargement of the authority heretofore obtained. Now I ask this second question: The amount carried is \$8,000,000 annually for 3 years, or a total of \$24,000,000?

Let me invite the attention of the gentleman to the fact that section 10 carries for the maintenance of roads and trails in the National Park Service substantially the same amounts that were carried in the authorization of 1940. The amount being carried for those purposes in the act of 1940 was \$4,000,000, and as amended, it carries two and one-half million dollars for the national parkways, or about 25 percent more than the amount carried in the act of 1940. Whereas the gentleman's amendment would almost multiply by three times the amount heretofore carried. I am just wondering if the gentleman would not agree to an amendment to, say, double

the amount, or fix it at \$6,000,000 annually, because I think \$8,000,000 is entirely too much.

Mr. CASE. Mr. Chairman, I am not sure that I want to prolong the debate on that particular point. I might point out two things. In the authorization act of 1934 the authorization for Indian roads was \$4,000,000. At the same time the regular Federal-aid was \$125,000,000. In this bill it is \$225,000,000, to say nothing of the \$125,000,000 for urban roads and the one hundred and fifty million for secondary.

Mr. WHITTINGTON. Mr. Chairman, I understand that.

Mr. CASE. This \$8,000,000 is in proportion to the primary system of Federal-aid authorizations in this bill, and bears approximately the same ratio as in previous years. Now, as a matter of fact, Congress has never appropriated the full amount of Indian authorizations. This portion of the bill, as the gentleman knows, of course, does not carry the contract authority but is merely an authorization for an appropriation, under the sections now being discussed.

Mr. WHITTINGTON. Mr. Chairman, I say in all kindness to the gentleman, I trust he will accept the suggestion and substitute \$6,000,000, particularly in view of the fact that we have here an agency of the Government which, for the first time, neglected, whether located in Chicago or elsewhere, to come before the committee and, frankly, I think we ought to have more information before we agree to \$8,000,000.

Mr. CASE. Mr. Chairman, I ask unanimous consent to modify my amendment to substitute "\$6,000,000" for "\$8,000,000."

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. CASE. I yield.

Mr. MURDOCK. Notwithstanding the fact that the Office of Indian Affairs is an agency that did not appear in behalf of this proposal because of their location at some distance from Washington, I want to say that the gentleman's amendment is good and timely. We have been out over the country visiting Indian Reservations. I find that today many young Indians are in the service, averaging about 10 percent of the total Indian population of the reservations I visited. We have to do something for those returning veterans. I want to do much for those Indian veterans as well as for all veterans and we must stabilize the economic conditions of our Indian reservations. The gentleman's amendment is as justified as any other part of the bill, and I congratulate the gentleman on offering it.

Mr. CASE. I thank the gentleman.

Mr. MUNDT. Mr. Chairman, will the gentleman yield?

Mr. CASE. I yield.

Mr. MUNDT. I just want to second the sentiment expressed by the gentleman from Arizona [Mr. MURDOCK]. We have just returned from a trip to his section of the country. We found the ab-

sence of sufficient highways one of the greatest difficulties in helping to assimilate the Indians.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. CASE. I yield.

Mr. WHITE. I am in full support of the gentleman's amendment. I can take him to Indian reservations in my State where we produced great crops of wheat, and we do not have access roads to bring that wheat down to market from the Nez Perce Indian Reservation.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. WHITTINGTON. Mr. Chairman, I ask unanimous consent that the gentleman may have 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. CASE. I yield.

Mr. WHITTINGTON. Frankly, I am willing for this amendment to go to conference, but I think they should justify the amendment before it is finally agreed to by the conferees. A hint to the wise is sufficient.

Mr. CASE. The hint is appreciated. I will be glad to furnish the House committee with copies of the correspondence I have had in the matter and also to suggest to the Office of Indian Affairs that complete information be supplied to the conferees.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

The question is on the amendment offered by the gentleman from South Dakota.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 11. The Commissioner of Public Roads is authorized, notwithstanding the provisions of any other law, to cooperate with the State highway departments and any Federal agency in the location, development, construction, and maintenance of flight strips adjacent to public highways, or roadside development areas along such highways, in order to insure greater safety for traffic on the public highways by providing additional facilities to be available for the landing and take-off of aircraft. When requested by the State highway department, funds, authorized by this act, are hereby made available, in addition to any funds that may be available under any other appropriation, for carrying out the provisions of this section and for paying all or any part of the necessary costs incurred therefor, including the cost of acquiring the land necessary for such facilities. Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to a flight strip or airport, or for the reconstruction or relocation of any highway which has been or may be closed or the usefulness of which has been or may be impaired by the location or construction of any flight strip or airport, unless the officials in charge have first concurred with the State highway department and the Public Roads Administration in the location of such flight strip or airport.

Mr. ROBINSON of Utah. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Amendment offered by Mr. ROBINSON of Utah: On page 9, line 5, after the word "department", insert the following: "not to exceed 3 percent of the."

Mr. ROBINSON of Utah. Mr. Chairman, the purpose of this amendment is to limit the amount of funds that can be used for flight strips. This limits the amount to not to exceed 3 percent. That would make it so that not more than 3 percent of the amount of this bill could be used, or \$15,000,000 a year.

The CHAIRMAN. The question is on the committee amendment offered by the gentleman from Utah.

The committee amendment was agreed to.

Mr. ROBINSON of Utah. Mr. Chairman, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. ROBINSON of Utah: On page 9, line 11, after the word "facilities", strike out the period, insert a colon and the following: "Provided, That the expenditure of Federal funds for flight strips under this section shall be subject to section 303, of the Civil Aeronautics Act of 1938, as amended (U. S. C., 1940 ed., title 49, sec. 453).

Mr. ROBINSON of Utah. Mr. Chairman, the purpose of this amendment is to make it clear that only one branch of the Government is to have control pertaining to this matter, that is the Civil Aeronautics Administration. There has been some question as to who would control here, and in order to make it entirely clear this amendment appeared to be necessary.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah.

The amendment was agreed to.

Mr. RANDOLPH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RANDOLPH: Page 8, line 21, strike out all of section 11.

Mr. RANDOLPH. Mr. Chairman, in 1938 the Congress passed the Civil Aeronautics Act. With the creation of that agency we charged to those officials the responsibility for the building, in this country, of our air navigation facilities, including the construction of airports. I believe that when the Congress establishes an agency for a particular purpose the agency should not have interference from other agencies, no matter how meritorious these groups are in their own fields. There is no reason for the Public Roads Administration to enter into the airport picture.

I call your attention to the fact that on June 23 this House passed a resolution which called upon the Civil Aeronautics Administration for a report to this House, and thus to the country, prior to the end of this year of an over-all plan for a post-war construction program of airports. Such a plan was submitted last night. It asks for the construction of 3,050 new airports and for the improvement of 1,625. In other words, we have charged the Civil Aeronautics Administration with airport

planning; and when Congress authorizes and appropriates the money to build this airport system it is wrong for the Public Roads Administration to attempt to force an entering wedge, in other words, to leave its field of highway building and enter the field of airport construction.

Mr. CHIPERFIELD. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield.

Mr. CHIPERFIELD. Does not the gentleman have pending now a bill to authorize this airport program?

Mr. RANDOLPH. The gentleman refers to the bill, H. R. 5024, which I sponsor. It is pending before the Committee on Interstate and Foreign Commerce, and would in effect provide the legislation necessary to carry out the recommendations of the Civil Aeronautics Administration. The measure was introduced June 14. I trust every Member of Congress will read this report. The national airport plan breaks the program down into almost every community and every State of the Union. We should follow this vital highway bill with post-war airport legislation.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield.

Mr. DONDERO. It was the gentleman's amendment that on yesterday took out of this bill the right of the Federal Commissioner of Highways to propose or use that as a club upon the States in acquiring highways of 300-foot width or refuse to grant them the Federal aid. Is not that correct?

Mr. RANDOLPH. The gentleman is correct.

Mr. DONDERO. If we are now to construct 3,050 airports—that is one for practically every county in the United States—

Mr. RANDOLPH. That is quite correct; and I wish to say to the gentleman from Michigan that I am sure the majority of our membership here believes that hand in hand, as it were, with a highway program for America in the post-war period, there must go an airport construction program. We are fully determined—I am sure the Seventy-ninth Congress will also be—that when we spend a dollar in the post-war period that it be a tax-dividend dollar.

In other words, we should discriminately appropriate the money of the Federal Government, knowing it will be a dollar which will give a dollar's return. Airports throughout America will be a real investment, which will bring our people closer together in the bonds of business and well-being.

Mr. WELCH. Will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from California.

Mr. WELCH. I may say to the gentleman from West Virginia that I know of a major highway which is the only possible approach to one of the largest airports in the United States. The road to which I refer is a part of the State highway system, having been voted into the system by an act of the State legislature.

Mr. ROBINSON of Utah. And the language in section 11 results in ambigu-

ity. The gentleman is correct in his observation.

Mr. WHITE. Will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Idaho.

Mr. WHITE. Does the gentleman think it is wise to coordinate the Bureau of Public Roads and the Civil Aeronautics Authority in building roads and landing strips?

Mr. RANDOLPH. No; I do not. When you build a landing strip along a highway you do not necessarily build it in connection with the prevailing winds necessary for safe flight use. We had before 1938 in this country a chaotic condition from the standpoint of airport construction.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RANDOLPH. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. WHITE. Does not the gentleman think a landing strip along a highway is a godsend to a fellow in trouble?

Mr. RANDOLPH. Yes; a field or landing strip is a haven for a pilot in trouble, and the Civil Aeronautics Administration should build it. This is the agency we created to build airports and landing facilities in this country. Prior to 1938 we had several agencies building airports. We were in a disrupted condition. The C. A. A. is the expert on this subject. The Congress of the United States laid down a policy in 1938, and we should not deviate from it today.

Mr. HARE. Will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from South Carolina.

Mr. HARE. Does not the gentleman think there ought to be taken into consideration also the fact that the air is being laid out in lanes, like the land is being laid out for highways, and that the air lanes will not comport exactly with the highways that are being constructed by the highway departments. These air strips should be built or constructed to meet the conditions, the circumstances, and justifications for air-planes, and not the highways.

Mr. RANDOLPH. You are correct. Airports are the main streets of aviation.

Mr. Chairman, before I leave the amendment, may I say there is not a single organization connected with the advancement of aeronautics in the United States that does not feel deeply that section 11 should be removed from this bill. The National Aeronautic Association, the National Aviation Trades Association, and the National Association of State Aviation Officials are among this group.

Mr. MOTT. Will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Oregon.

Mr. MOTT. Does the gentleman know whether any State under authority of previous road law has actually constructed any of these flight strips; and if so, what are they doing with them?

Mr. RANDOLPH. A few have been constructed during the war by the Army and Public Roads Administration in an experimental manner, but I may say to the gentleman that I am advised that the work carried forward has not always produced acceptable results.

The CHAIRMAN. The time of the gentleman has again expired.

The Chair recognizes the gentleman from Connecticut [Mr. MILLER] for 3 minutes.

[Mr. MILLER of Connecticut addressed the Committee. His remarks will appear hereafter in the Appendix.]

Mr. ROBINSON of Utah. Mr. Chairman, I ask unanimous consent that all debate on this section, and all amendments thereto, close in 13 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

[Mr. PRIEST addressed the Committee. His remarks will appear hereafter in the Appendix.]

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. ELLIOTT].

Mr. ELLIOTT. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from West Virginia.

The committee of which I am a member has given this a great deal of thought. I, for one, some 3,000 miles from my congressional district, must rely upon airplane transportation to get to and from my work.

Up until the time our committee took under consideration the construction of flight strips along the highways between the airports, nothing had been done about it. I know of no better agencies than the State agencies or our Federal agency dealing with the construction of roadways to do this work, no agency that is more capable or better qualified to construct the type of runways that may be necessary to protect the people who travel by air. If I were as close to the Nation's Capital as Tennessee or West Virginia, I would not be talking this way; I would just get on a mule and ride across the mountains, and be in Washington quicker than you could be here by automobile from California. But because I must depend on travel by air, I think there should be some protection in the way of flight strips between airports for those who travel by air.

Mr. PRIEST. Mr. Chairman, will the gentleman yield?

Mr. ELLIOTT. I yield to the gentleman from Tennessee.

Mr. PRIEST. I agree with the gentleman that flight strips may be a protection, and I am not opposed to the construction of flight strips, but I believe in an integrated national program. The construction of flight strips where they are needed should be done under the jurisdiction of the Civil Aeronautics Authority, which knows and has already surveyed the airways and knows the direction of the winds, the direction of the air routes, navigation facilities, and other things that enter into the picture. I am not opposed to field strips.

Mr. ELLIOTT. In reply to the gentleman's statement, may I say that we have had too much wind and not enough action. Until our Committee on Roads started doing something, we had just a lot of conversation and no flight strips had been constructed. Here the Committee on Roads have taken it upon themselves to make it possible for flight strips to be constructed, and not leave it to a bunch of hoorays and talks that we hear here from time to time, with no action. This is in the bill here. If you want to have flight strips, let us put it in here now and keep it here.

Mr. PRIEST. Mr. Chairman, will the gentleman yield?

Mr. ELLIOTT. I have already yielded to the gentleman. I have heard him talk. He has not enlightened me at all.

May I say further that it is necessary, if we believe in protection for the public traveling by air, to keep what is in the bill at the present time, and not adopt the Randolph amendment, because it just means delaying the program until many more thousands of people are killed when planes are in trouble and there is no place for them to land. Let us give consideration to keeping this in the bill, until we get what we want.

The CHAIRMAN. The Chair recognizes the gentleman from Utah [Mr. ROBINSON].

Mr. ROBINSON of Utah. Mr. Chairman, may I say to the Committee that we have only one more section of the bill to consider. I am hopeful that this section will not be controversial, so that we may soon be through with this bill.

On this particular subject, I realize fully that it is a controversial subject. It is a new subject. We were asked about 4 years ago to insert this provision in the Highway Act and did so. Under that provision \$10,000,000 has been expended in building flight strips. Now we are told that the flight strips that have already been built have saved the country many, many times the amount that they cost in that emergency landings have been made on them that otherwise would have meant crack-ups if the flight strips had not been built.

I feel that those who are enthusiastic about civil aeronautics are taking this matter too seriously. There is no intention to interfere with their work. We simply feel that in certain sections of the country we can build a flight strip for one-tenth of what an airfield would cost, and that it will serve the same purpose the airfield would. We also feel that there are places where the building of the road in connection with the airport is possibly of as much importance as the airport itself. Therefore, we think this matter should be left to be handled at least, in cooperation with, if not under the jurisdiction of the State highway commissioner.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. RANDOLPH. Mr. Chairman, I have a very high regard, personally, for the distinguished chairman of the Committee on Roads under whom I serve. I know that insofar as I can, I support every amendment that comes from the

committee, as he well knows. There is no desire here to do away with the construction of flight strips in the United States. All we ask is that this Congress, having set down in basic law in 1938, the responsibility for all air navigational facilities in the Civil Aeronautics Administration, that we keep it there and allow no agency, be it the Public Roads Administration or any other agency to enter in with a wedge to try and take over the functions which are handled expertly by the Civil Aeronautics Authority.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. WHITTINGTON. Is it not true that there are two parts really, to this amendment, and that the second provision of this amendment was especially recommended to the committee by the Commissioner of Public Roads and that part of the amendment provides none of these funds shall be used for the construction or reconstruction of any highway giving access to any flight strip or airport? That has been abandoned and we have included this provision in the bill at the request of the Commissioner of Public Roads. Do I state the facts?

Mr. ROBINSON of Utah. That is correct. I appreciate the attitude of the gentleman from West Virginia in this matter, but I still feel that it is a mistake for the committee to take out of this bill the entire subject of flight strips because this has been a very profitable matter, so far as the Federal Government has been concerned. I think if there is any question arising between these two departments of the Government, we should be able to iron them out to the satisfaction of both parties. I hope that the amendment will be voted down.

Mr. KERR. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. KERR. This is an emergency feature anyway; is it not?

Mr. ROBINSON of Utah. That is correct.

Mr. KERR. Why do we need rules and regulations for an emergency feature?

Mr. ROBINSON of Utah. Mr. Chairman, I think that question is very well put.

The CHAIRMAN. The time of the gentleman from Utah has expired. All time has expired. The question is on the amendment offered by the gentleman from West Virginia [Mr. LANDOLPH].

The amendment was agreed to.

The Clerk read as follows:

Sec. 12. On any highway or street hereafter constructed with Federal aid in any State, the location, form, and character of informational, regulatory, and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority, or other agency, shall be subject to the approval of the State highway department with the concurrence of the Public Roads Administration; and the Commissioner of Public Roads is hereby directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

Mr. WHITE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in the 12 years that I have been in Congress, I have heard a

lot of criticism about trips by Congressmen out into the country, sometime called junkets. Well, if there is anything that the Congress and the Members of this House should do, it is to get around the country and know something about the welfare of the people in the country they represent. We just had a demonstration here today, of the policy on the part of this Congress in dealing with the resources of this country. You know we have been sending our mining experts and our money into foreign countries, into Africa, South America, and Mexico, to dig out metal which is needed in this war emergency. For the 12 years that I have been in this House, I have tried to secure the adoption of a policy on the part of the Congress and on the part of the Department of Agriculture to open up the resources of minerals which we have in our own country.

Today we are confronted with the spectacle of seeing money taken from the taxpayers of this country and paid to foreign governments to bring in copper, lead, zinc, and everything that we need in the war emergency; money that flows out of our Treasury into the treasuries of other countries in tax revenue.

In the State of Idaho, the State of Nevada, and in fact all the Western States, there are resources in timber, in minerals, and in water power that are locked up and inaccessible in a very rough and inaccessible country. Yet today, when we ask for a little increase in an appropriation to make these resources available, to build up new industries, to create new tax revenue, to open up new country, that request is denied. In other places you spend money lavishly. You appropriate and pay out \$2.50 for every dollar that you get out of the national forests. We need access roads into the yellow pine district and in other places in Idaho. Yet, we do not know anything about it.

The gentleman from Mississippi will take the floor and advocate increased appropriations to build these parkways which are toll roads over the country. The Park Service charges admission to use them. That is all right according to the gentleman from Mississippi, but, to build some roads on your own land, in your own national forests, in order to get access to this timber and to get access to the minerals that are located there, or to open new water-power sites, that is wrong. That plan is set aside. Today we could not get a handful of votes in support of one of the greatest protective policies you could undertake, to open up the resources of your own land.

You know I have been dealing with the Secretary of the Interior, Mr. Ickes, with his conservation policy. All I could wish for Mr. Ickes, that he would make a flight across central Idaho and have to make a forced landing back in this inaccessible area and have to come out on his own power, in order that he might learn something of the magnitude of the country and the forests located there, and that he might know something of the wonderful resources, in timber, water power, and minerals we have out there to be developed.

I just wanted to call the facts to the attention of the House after its action today.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. WELCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WELCH: On page 10, line 4, insert the following new section.

"Sec. 13. (a) If the President determines that the security of the United States, in the event of war or other national emergency, will be materially aided by the construction in any defense area of a highway, road, or bridge, he shall transmit such determination to the Federal Works Administrator. If funds are available for such purpose under authority of this section, the Federal Works Administrator, through the Commissioner of Public Roads, is authorized and directed to construct such highway, road, or bridge.

"(b) In order to carry out any project under subsection (a), the Federal Works Administrator is authorized to acquire, in the name of the United States, such rights-of-way, lands, or interest in lands, as may be required for such project. Upon completion of such project, the Administrator is authorized and directed to convey, by proper deed, executed in the name of the United States, any such right-of-way, land, or interest in land to the State, or to the political subdivision of the State, if the State law so provides in which such right-of-way, land, or interest in land is situated, upon condition that such State or political division will maintain the highway, road, or bridge constructed in such State or political subdivision without cost to the United States.

"(c) The cost of any highway, road, or bridge constructed under authority of this section shall be payable out of any sum or sums appropriated under authority of this act for apportionment to the State or States within which such highway, road, or bridge is to be constructed, but the total cost of all projects under this project shall not exceed \$50,000,000 for each post-war fiscal year for which funds are made available under this act."

Mr. WELCH. I am offering this amendment—

Mr. ROBINSON of Utah. Mr. Chairman, will the gentleman yield for a consent request?

Mr. WELCH. I yield.

Mr. ROBINSON of Utah. Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto close in 20 minutes, the last 5 minutes to be reserved to the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

The CHAIRMAN. The gentleman from California will proceed.

Mr. WELCH. Mr. Chairman, I am offering this amendment to insure the building of roads in defense areas. In his opening remarks the chairman of the committee made reference to the importance of this when he said, in referring to the Federal-aid system:

Then it will be improved during future years to new high standards which will afford the capacity and the safety which these major rural and urban arteries require.

There are many other compelling reasons for the designation of such a network: The requirements of national defense, the necessity for opening up traffic bottlenecks in and near population centers, and so on.

The chairman of the committee placed his finger on the most compelling reason for the enactment of my amendment in those remarks.

I have the honor to represent a great defense area concerning which the following statement was made a number of years ago by Admiral Charles F. Hughes, while Chief of Naval Operations, before the Committee on Interstate and Foreign Commerce. He said:

San Francisco Bay is, as you know, the principal harbor of the Pacific coast. To my mind, it belongs to the Nation; it is not the property of California nor the cities that are on its shores. From its natural advantages and its location, San Francisco Bay is certain to be the major continental fleet base for any exhaustive campaign in the Pacific.

Current history has fully justified the foresight and vision of Admiral Hughes. San Francisco is today one of the two principal ports of embarkation in the United States, if not in the whole world, and as such is a principal defense area.

Mr. Chairman, not a single Member of this House can offer a guaranty that one dollar of this enormous appropriation, when once available to the several highway commissions will be spent in defense areas.

Mr. MCGREGOR. Mr. Chairman, will the gentleman yield?

Mr. WELCH. Gladly.

Mr. MCGREGOR. Does not the gentleman's amendment take all control out of the various State highway departments and leave it entirely to the President of the United States and the Commissioner of Public Roads?

Mr. WELCH. Not at all; only such as apply to defense areas. Every major highway in the country is an integral part of our national defense. The bill that we have under consideration now does not consider defense areas.

Mr. MCGREGOR. Does the gentleman's amendment take control of the construction of highways in defense area from the highway director and put it in the hands of Washington, another glorified WPA program?

Mr. WELCH. I do not agree with the statement of the gentleman from Ohio. It places with the President the right to see to it that permanent, old established defense areas be granted some of the enormous sum of \$1,500,000,000 authorized in this bill.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Nebraska, [Mr. CURTIS] for 3 minutes.

Mr. CURTIS. Mr. Chairman, I would like to call attention to an amendment which was adopted a little bit ago without debate. Both sides of the committee accepted the amendment, but I want to raise a question about it at this time. I refer to the amendment in line 22, page 5, which section deals with advances to States of certain road funds. The proviso adopted reads as follows:

Provided, That such State has not diverted revenue derived from gasoline taxes, automobile license fees and other taxes and fees intended for highway purposes to other uses.

I would like to ask the gentleman from Wisconsin, author of this amendment,

which has been accepted by the committee, if it was his intent to deprive a State of advances where that State by law levies a tax on gasoline that goes for another purpose? In the instance of my State it goes for old age pension purposes. It is put in there by law and that is the intent of the tax.

Mr. SAUTHOFF. In answer to the gentleman's question, may I say that it is not my intention to interfere with any State law.

Mr. CURTIS. The gentleman's language does not so indicate.

Mr. SAUTHOFF. It says "intended for highway purposes." Your State law says it is intended for old-age purposes, therefore it does not interfere with your State law.

Mr. STEFAN. Will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Nebraska.

Mr. STEFAN. We levy a certain amount for road purposes and earmark 1 percent for old-age pensions out of the total. The gentleman's amendment, I am afraid, would preclude us from doing that.

Mr. SAUTHOFF. That is under State law?

Mr. STEFAN. That is right.

Mr. SAUTHOFF. There is no intention to interfere with State law.

Mr. CASE. Will the gentleman yield?

Mr. CURTIS. Very briefly.

Mr. CASE. It occurs to me it does not make very much difference because all the penalty does is to apply to the advances. It does not apply to the Federal aid allotment.

Mr. CURTIS. All States should be treated alike and we should not say to any State that it cannot levy a tax on any commodity it wants to and use it for such purpose as it chooses. That is an inherent right of the States. I want the record made clear that the Sauthoff amendment will not work to the disadvantage of Nebraska.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. CURTIS asked and was given permission to revise and extend his remarks.)

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. J. LEROY JOHNSON] for 3 minutes.

Mr. J. LEROY JOHNSON. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California [Mr. WELCH.] It is true, as pointed out in a question brought up by the gentleman from Ohio, that the determination of these roads in defense areas would be made by the President, who is Commander in Chief of the Army and Navy. However, the proposition offered by the gentleman from California [Mr. WELCH], if understood properly by the membership, would be agreed to.

Let me give you an illustration in my own district, which illustrates what the author of this amendment is trying to do.

In Stockton, Calif., we have just built a new Navy supply depot at a cost of about \$30,000,000. That is a permanent installation. Next to it is the Stockton Ordnance Depot which is also

a permanent Army installation. These two installations are about 2½ miles from United States Highway No. 50, and most of these supplies that come by automotive equipment will go across a county highway which will be thoroughly torn up, and worn out, and destroyed by the traffic which is conducted during the war, and will be carried on for several years after the war. I think it is a sensible provision to allow the President, if he deems it necessary, to rebuild that sort of a highway as sort of a feeder highway into those two defense installations.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. J. LEROY JOHNSON. I yield to the gentleman from Oregon.

Mr. MOTT. Does the gentleman realize that the War Department can do that now under the Defense Highway Act? If it recommends that as a project on which a war road or access highway should be built, that could be built out of defense highway money as long as it is in the Treasury.

Mr. J. LEROY JOHNSON. I did not know that they could build public highways within the jurisdiction of a State.

Mr. MOTT. We appropriated \$100,000,000 for that purpose last year, and \$50,000,000 the year before.

Mr. J. LEROY JOHNSON. May I answer the question in this way: Another installation in my district has a similar problem. They moved Highway No. 40 away from the Benicia Arsenal, and the War Department did not put in one penny to rebuild the highway to that arsenal. The State of California and the county of Salinas built the whole thing. I think we ought to have a provision in here, in addition to the rights of the Army and the Navy to build these short feeder highways into these permanent Army and Navy installations. It seems to me it is a very fair provision to have, and something that compensates the State and the local communities for expenses that they now bear.

Mr. MOTT. Existing law already provides for that and authorizes it. As I said, \$150,000,000 has already been spent.

Mr. J. LEROY JOHNSON. For the instances I know of there was no money spent by the Army or the Navy. I hope the amendment will be accepted.

Mr. MILLER of Connecticut. Mr. Chairman, I offer an amendment which I ask to be read for information at this time.

The Clerk read as follows:

Amendment offered by Mr. MILLER of Connecticut: On page 9, line 20, strike out section 12.

[Mr. MILLER of Connecticut addressed the Committee. His remarks will appear hereafter in the Appendix.]

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, after listening to the gentleman from Connecticut who has just spoken, I might well weaken in the proposal I want to present. I sympathize with him in his general view. But I have been greatly interested in removing dangerous signs

on our highways. I recall being in court as a witness trying to induce my State to get rid of such signs adjacent to our streets and highways. I ponder the words in the bill "on the highway." Does that mean exactly within the boundaries of the roads? I assume it would legally. I intend to offer this amendment: After the word "on" insert "or adjacent to."

Some very dangerous and annoying signs are erected simply for advertising purposes. In my State we have fought to get those obliterated. I am rather hoping that some authority might be granted in this bill under which any State might meet this situation.

I have in mind one particular sign. Coming around the curve, you see a very large advertising sign with a finger pointing like this, advertising some commodity. Your attention is necessarily distracted from your driving. It is highly dangerous. Our State has driven most of those signs from the highway and lands adjacent thereto. Again does "on" mean simply within the limits of, or on land adjacent to the right-of-way? I wonder what kind of an interpretation would be put on it. If we are to have the word "on" I would like to add the words "or adjacent thereto."

Well do I remember my first trip to the city of Richmond after I came to Washington some 20 years ago. All along the way were signs, constructed not by public authorities but, as you have recited here, by other agencies. Some church organization apparently had put up many quotations from the Bible, in scrawling writings, telling what would happen to you if you did fast driving. Are we to spend this money and still allow that practice to go on? Would not the gentleman want to accept the amendment I am going to offer?

Mr. ROBINSON of Utah. I may say to the gentleman that as far as I am concerned I think it is a very good amendment, and I would have no objection to it.

Mr. GIFFORD. Let us adopt it and then trust to the law that it may be a legal regulation.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Illinois.

Mr. MASON. Does the gentleman realize that "adjacent to" means on private property outside the right-of-way, and there is a question as to whether we can legislate to take over the right of the private property owner to use his land?

Mr. GIFFORD. I fully agree that is the question involved. I was in court all one day as a witness, trying to convince my State authorities that they should, by law, overcome the private owners' objection. Shall a private owner be allowed to have erected on his property, for a small rental, any kind of an ad that might be highly dangerous?

Mr. STEFAN. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Nebraska.

Mr. STEFAN. Would that not also eliminate the signs giving information as to historical sites, such as with regard

to the First Battle of Bull Run, the Second Battle of Bull Run, and so forth?

Mr. GIFFORD. Every man from Virginia might rise here to object, I fear. It does seem that there were many Bull Runs in that State, from the many signs noticed there.

Mr. STEFAN. I think the language would eliminate those signs, too.

Mr. GIFFORD. I bring this up, because I desire to get rid of dangerous signs. Under the present laws perhaps we cannot do it. Shall a private owner always do as he pleases on the side of a road that you and I help pay for?

Mr. MOTT. Mr. Chairman, I dislike to oppose the amendment offered by the gentleman from California because I know how near this is to his heart. I believe, however, the object which he wishes to obtain cannot be obtained by an amendment of this kind. We have legislation which already takes care of defense highways, and, as I mentioned a moment ago, the year before last we authorized \$50,000,000, last year, \$100,000,000, and we will probably have another \$100,000,000 authorized this year, for the sole purpose of building highways in defense areas. This amendment as proposed is a perversion of the entire philosophy of existing Federal-aid highway policy, which is based upon mandatory law. Under this amendment, if it is adopted, the President would be given the authority, at any time that he decided an emergency existed, to take a part of this money, authorized for an entirely different purpose, and use it to build highways in defense areas, entirely in his own discretion. This would constitute a return to the W. P. A. system of building highways.

The objectives of the gentleman, I believe, can be obtained through separate legislation on the subject of defense highways through existing legislation on that subject. As a member of the Committee on Roads, I assure him that I will do my very best to secure favorable consideration of legislation which will do this. But I ask the Members of the House not to vote for this amendment, the direct effect of which would be to destroy the whole plan and purpose of Federal-aid highway legislation.

Mr. WELCH. Mr. Chairman, will the gentleman yield?

Mr. MOTT. I yield.

Mr. WELCH. The object which I hope to attain by my amendment cannot be accomplished in the manner referred to by the gentleman from Oregon.

Mr. MOTT. Well, that is a difference of opinion.

Mr. WELCH. The appropriations referred to by the gentleman from Oregon have been used in defense highways, so-called defense highways, in the interior of the country. They built roads on which grass will be growing a year after the war is over. I am referring to permanent defense highways in defense areas.

Mr. MOTT. That is correct. That is what I am referring to also.

Mr. WELCH. I am referring to permanent defense highways in defense areas such as San Francisco, Boston, New

York, New Orleans, and other great seaport cities of this country.

Mr. MOTT. That is correct.

Mr. WELCH. Will the gentleman say that any money thus far appropriated has been used in defense highways in the great metropolitan areas?

Mr. MOTT. Yes; \$150,000,000 has been put into them in the last 2 years.

Mr. WELCH. Not one dollar has been used in San Francisco in the construction of new major highways.

Mr. MOTT. I think the records will show that defense highways have actually been built in San Francisco County. I know they have been built in areas across the bay from San Francisco. That was the purpose of the defense-highway legislation—to build roads in and to defense areas. But your amendment would take a part of the money authorized in this bill for one purpose and give the President discretion to use it for a purpose not even contemplated by this bill. I agree with you that you should have these defense highways, but you should not get them by giving the President discretionary authority to take a part of the money out of this bill and use it for a purpose which neither the committee nor the Congress ever intended it to be used for. This is not a defense-highway bill. It is a post-war, peacetime road-construction bill.

Mr. J. LEROY JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. MOTT. I yield.

Mr. J. LEROY JOHNSON. I do not see what the difference is between the proposal of the gentleman from California [Mr. WELCH] and the one for the parkways which passed here and where they doubled the amounts allowed where they were only little feeder highways and not defense highways.

Mr. MOTT. There is a great deal of difference between the parkway item and this amendment. That was a mandatory authorization by Congress for the construction of parkways. The amendment offered by the gentleman from California is a proposal which gives the President authority; without even consulting the Congress, to take a part of the money authorized by this bill for other purposes and to build highways with it in defense areas however and wherever and whenever he pleases. I hope the amendment will not prevail.

Mr. J. LEROY JOHNSON. But the total amount is limited.

The CHAIRMAN. The gentleman from Mississippi [Mr. WHITTINGTON] is recognized for 5 minutes to close the debate on the bill.

Mr. WHITTINGTON. Mr. Chairman, the amendment offered by the gentleman from California [Mr. WELCH], as has been stated by the gentleman from Oregon [Mr. MOTT] has no place in this bill, and I say that in all kindness. It may be that the bridge across the bay at San Francisco has not been constructed under the national-defense highway legislation. There has not been any road built in the area where I live, nor has there been in many places in the United States under the Defense Highway Act.

We have heretofore authorized and the Congress has appropriated \$150,-

000,000 for the construction of roads in defense areas. The beginning of the pending amendment refers to defense areas. That is legislation with respect to the war. In addition to that, we have authorized and there has been expended substantially \$290,000,000, as I recall, for the construction of access highways to defense plants and to defense installations. They are constructed during war, not at the request of the President but upon the request of the Secretary of War, the Secretary of the Navy, and other appropriate officers of the armed services. This is a bill for post-war construction—for peacetime construction.

I repeat what I said, that the amendment for construction to a defense area has no place in this bill. It provides that not exceeding \$50,000,000 shall be allocated by the President. The whole appropriation allocable to the State of California, in 1 year is less than half of that amount. That shows you the impropriety, if not the absurdity of that provision in the bill under consideration.

As to the amendment offered by the gentleman from Connecticut [Mr. MILLER] to strike out section 12 of the bill I should like to say that this language is only applicable to highways hereafter constructed. The purpose is to promote uniformity, with the consent of the Highway Commission of Connecticut, and of the other States, with the approval of the Public Roads Commissioner of the United States. It is an effort to promote uniformity of signals and regulations. In one place you turn to the right on the red light; in another city you turn to the left. The whole purpose of this section 12, is to promote uniformity that would be in the interests of public safety. The last word in the amendment is:

The Commissioner of Public Roads is hereby directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

Is there any objection to undertaking to secure uniformity in the interest of public safety when that uniformity cannot be made effective without the approval of the highway commissions of all the States of the Union?

I say the section is in the interest of safety and for the benefit of the public.

Now, I have just a word to say finally. The gentleman from Michigan [Mr. WOLCOTT], the ranking Member of the committee, proposed an amendment to section 2, that was adopted by the Committee of the Whole on yesterday. I congratulate him upon his frank statement today that his amendment should be revised in conference. His amendment provided, and the Members will recall that I urged it was improper and unwise, that the first post-war year should be the fiscal year 1945, substantially half of which has already expired. If that language in the amendment remains in this bill it means that the allocation of the entire billion and a half dollars must be made in a period of 12 months and that the additional 2 years granted to the States under the terms of this bill to match, would be practically eliminated. In other words, the program, as the gentleman has very wisely admitted on reflection, would be hindered by keeping the

fiscal year 1945 in the bill. For that reason alone the bill should go to conference; and the Wolcott amendment should be modified or eliminated to provide for post-war construction for the first 3 years following the war.

The CHAIRMAN. The time of the gentleman has expired.

All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. WELCH].

The amendment was rejected.

Mr. MILLER of Connecticut. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of Connecticut: On page 9, line 20, strike out section 12.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut.

The amendment was rejected.

Mr. GIFFORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GIFFORD: Page 9, line 20, after the word "on", insert "or adjacent to."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. COOPER, Chairman of the Committee of the Whole House on the state of the Union reported that that Committee having had under consideration the bill (H. R. 4915) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes, pursuant to House Resolution 654, he reported the same back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en grosse.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. WOLCOTT. Mr. Speaker, on that I ask for the ayes and nays.

The ayes and nays were refused.

So the bill was passed.

A motion to reconsider was laid on the table.

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent that the Committee on Roads be discharged from further consideration of the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war con-

struction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans, and for other purposes; that the bill be immediately considered and that all after the enacting clause of said bill be stricken out and the provisions of H. R. 4915, to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes, as passed, be inserted in lieu thereof.

The SPEAKER. Is there objection to the request of the gentleman from Utah? There was no objection.

The SPEAKER. The Clerk will report the Senate bill and the amendment.

The Clerk read as follows:

S. 2105, an act to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans, and for other purposes.

Mr. ROBINSON of Utah offers the following amendment: Strike out all after the enacting clause of the Senate bill and insert in lieu thereof the provisions of H. R. 4915 as passed.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. Without objection, the proceedings whereby the bill H. R. 4915 was passed will be vacated and the bill laid on the table.

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Utah? There was no objection.

DEVELOPMENT OF THE VIRGIN ISLANDS

The SPEAKER. The Chair recognizes the gentleman from Missouri [Mr. BELL].

Mr. BELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 5029) to assist in the internal development of the Virgin Islands by the undertaking of useful projects therein, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain this legislation?

Mr. BELL. Mr. Speaker, this bill provides for certain internal improvements in the Virgin Islands. I may say to the gentleman that it provides for certain improvements in connection with sewers,

water systems, hospitals, and things of that general nature.

Mr. MARTIN of Massachusetts. The revenue is to be secured in the Virgin Islands?

Mr. BELL. The bill provides for an appropriation of \$10,028,000. I may say to the gentleman from Massachusetts that for many years the rum revenues coming out of Puerto Rico, for instance, have been returned to the Puerto Rican treasury; but that is not true of the Virgin Islands. During the current fiscal year we have received about \$28,000,000 from these rum revenues in the Virgin Islands, but none of that is being returned to it.

Mr. MARTIN of Massachusetts. We are returning about half of it?

Mr. BELL. I would say approximately half of it would be returned under this bill.

Mr. MARTIN of Massachusetts. Does this have the unanimous support of the committee and are the departments in favor of it?

Mr. BELL. The departments are in favor of it, and it has been reported unanimously by our committee.

Mr. Speaker, I do not want to be misunderstood. This is not an allocation of the rum money as in the case of Puerto Rico. It is an authorization for a direct appropriation, but I called attention to the rum money which was largely the reason why the committee unanimously reported this bill.

Mr. WELCH. Will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from California.

Mr. WELCH. This permits very necessary improvements to be made by the use of the so-called rum revenue. The bill was carefully considered by the Committee on Insular Affairs and unanimously reported. It will bring necessary relief to the unfortunate natives of the Virgin Islands and I hope the bill will receive favorable consideration.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. BELL]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in order to assist in the internal development of the Virgin Islands, and for the benefit of the government, municipalities, and inhabitants thereof, the Federal Works Administrator (hereinafter referred to as the "Administrator") is authorized to provide or undertake the following useful projects, including work incidental thereto, on lands owned by the United States, the government of the Virgin Islands, the municipalities of St. Thomas and St. John and St. Croix, or on land acquired for such purpose, at the respective estimated costs indicated: *Provided*, That where found necessary by the Administrator, the funds authorized herein shall be available for the augmentation of limits of cost of projects in an amount not exceeding 25 percent for any project.

PROJECTS ON ISLANDS OF ST. THOMAS AND ST. JOHN AND ESTIMATED COST THEREOF

1. Hospital facilities, \$565,000.
2. Sanitation and fire-protection facilities, including sewer and water system, \$563,695.
3. Intercepting sewer system including sewage treatment and disposal, \$278,000.
4. Water supply facilities, \$883,750.

5. Schools and educational facilities, \$566,000.
6. Water-front highway, sea wall, and harbor facilities, \$1,097,500.
7. Highways and roads, \$1,387,300.
8. Street improvements, including storm-water drainage, \$327,200.
9. Engineering surveys, \$35,000.
10. Improvements to and construction of public buildings, \$630,000.
11. Prison facilities, \$105,000.
12. Recreational facilities, \$80,000.
13. Telephone and radio communication facilities, \$170,000.
14. Malarial control, \$31,875.
15. Hospital, electric power plant, and improvements to administration building, Cruz Bay, St. John, \$47,500.
16. Abattoir and cooling plant facilities, \$75,000.
17. Public market facilities, \$80,000.

PROJECT ON ISLAND OF ST. CROIX AND ESTIMATED COST THEREOF

18. Hospital facilities, \$475,000.
19. Sanitation and fire protection facilities, including sewer and water systems, \$244,600.
20. Water supply facilities, \$490,000.
21. School and educational facilities, \$510,000.
22. Highways and roads, \$606,000.
23. Improvements to and construction of public buildings, \$73,000.
24. Prison facilities, \$113,000.
25. Recreational facilities, \$30,000.
26. Telephone and radio communication facilities, \$150,000.
27. Malarial control, \$50,000.
28. Municipal pier for Christiansted, \$190,000.
29. Public market facilities, \$174,000.

Sec. 2. Not to exceed 5 percent of the funds herein authorized shall also be available for the purpose of making studies, investigations, estimates, plans and specifications, preliminary and final, of the projects herein authorized in advance of undertaking projects and the cost thereof shall be charged to the projects involved.

Sec. 3. The Administrator is authorized to acquire, prior to the approval of title by the Attorney General if necessary (without regard to secs. 1136, as amended, and 3709 of the Revised Statutes), improved or unimproved lands or interests in lands by purchase, donation, exchange, or condemnation for any project herein authorized. Upon completion of projects on land acquired under this section the Administrator shall transfer custody thereof to the Secretary of the Interior, who shall forthwith transfer all rights and title of the United States therein to the government of the Virgin Islands or the municipality of St. Thomas and St. John, or the municipality of St. Croix, except those projects constructed for Federal agencies. Projects authorized by this act may be constructed without regard to the provisions of sections 355, as amended, and 1136, as amended, of the Revised Statutes.

Sec. 4. The Administrator is further authorized to receive and accept funds, materials, supplies, and equipment from the government of the Virgin Islands, the municipalities of St. Thomas and St. John, and St. Croix, and other sources, for use in connection with authorized projects or parts thereof. Any funds so received shall be deposited in a special fund in the Treasury of the United States and shall be expended or utilized as determined by the Federal Works Administrator.

Sec. 5. All construction with respect to projects shall be by contract: *Provided, however*, That repairs or improvements to existing structures or facilities and incidental work in connection with new structures or facilities may be accomplished by the employment of persons without regard to the civil-service and classification laws. The rates of pay, hours of work, and terms of

employment for persons engaged on projects shall be fixed by the Administrator.

Sec. 6. The Administrator is authorized to procure (without regard to the authority of the Procurement Division, Treasury Department, to undertake the performance of such procurement, as regards procurement from sources within Puerto Rico and the Virgin Islands), and to warehouse and distribute property, facilities, structures, improvements, machinery, equipment, stores, and supplies from the funds appropriated pursuant to this act. The Administrator is further authorized to prescribe rules and regulations for the establishment of special funds in the nature of revolving funds for use, during the availability of funds herein authorized, in the purchase, repair, distribution, or rental of materials, supplies, equipment, and tools.

Sec. 7. The provisions of section 3709 of the Revised Statutes shall not apply to any purchase made or service procured in connection with the funds appropriated pursuant to this act when the aggregate amount involved is less than \$500.

Sec. 8. The provisions of the act of February 15, 1934 (48 Stat. 351), as amended, relating to disability or death compensation and benefits shall apply to persons (except administrative employees qualifying as civil employees of the United States) receiving compensation from funds appropriated pursuant to this act for services rendered as employees of the United States: *Provided*, That this section shall not apply in any case coming within the purview of the workmen's compensation laws of the Virgin Islands, or in any case in which the claimant has received or is entitled to receive similar benefits for injury or death.

Sec. 9. The Administrator is authorized to consider, ascertain, adjust, determine, and pay from the funds appropriated pursuant to this act any claim on account of injury to persons, or any claim for damage to or loss of privately owned property, caused by the negligence of any employee of the United States paid from such funds while acting within the scope of his employment. No claim shall be considered hereunder which is in excess of \$500 or which is not presented in writing within 1 year from the date of accrual thereof. Acceptance by a claimant of the amount allowed on account of his claim shall be deemed to be in full settlement thereof and the action upon such claim so accepted by the claimant shall be conclusive.

Sec. 10. The Administrator is authorized to make such rules and regulations as he may deem necessary to carry out the provisions of this act.

Sec. 11. There is hereby authorized to be appropriated the sum of \$10,028,420 to be immediately available and to remain available until expended, for the purpose of carrying out the provisions of this act, administrative and otherwise, including the employment of engineers, architects, and consultants without regard to section 3709 of the Revised Statutes, and the civil-service and classification laws; personal services and rental in the District of Columbia and elsewhere; supplies and equipment; travel expenses, including transfer of household goods and effects as provided by the act of October 10, 1940 (5 U. S. C. 73c-1), and, notwithstanding any other provision of law, transportation to the Virgin Islands and return of officers, employees, and other persons engaged in carrying out the functions prescribed in this act; purchase, repair, operations, and maintenance of motor-propelled passenger-carrying vehicles and such other expenses as may be necessary for the accomplishment of the objectives of this act. All payments from funds made available pursuant to this act shall be made through the Division of Disbursements of the Treasury Department, upon vouchers certified by the Administrator or employees designated by him for such purpose.

7/12.

30

So the nomination of Edward R. Stettinius, Jr., to be Secretary of State was confirmed.

Mr. CONNALLY. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination of Mr. Stettinius.

The PRESIDING OFFICER. Is there objection. The Chair hears none, and the President will be notified forthwith.

FOREIGN SERVICE

The legislative clerk read the nomination of Maj. Gen. Patrick Hurley to be Ambassador Extraordinary and Plenipotentiary of the United States of America to China.

Mr. CONNALLY. Mr. President, I move that the nomination of Gen. Patrick J. Hurley as Ambassador to China be confirmed.

The motion was agreed to and the nomination was confirmed.

POSTMASTERS

The legislative clerk proceed to read sundry nominations of postmasters.

Mr. HILL. I ask unanimous consent that the postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

Mr. HILL. Mr. President, I ask unanimous consent that the President be notified forthwith of all confirmations of today.

The PRESIDING OFFICER. Without objection, the President will be immediately notified.

LEGISLATIVE SESSION

Mr. HILL. Mr. President, I move that the Senate proceed to the consideration of legislative business.

The motion was agreed to; and the Senate proceeded to the consideration of legislative business.

MEETING OF SENATE BANKING AND CURRENCY COMMITTEE

Mr. WAGNER. Mr. President, I announce that the Banking and Currency Committee is continuing its hearings on very important matters, and I hope all members of the Banking and Currency Committee will at once return to the committee room.

SETTLEMENT OF ACCOUNTS OF DECEASED OFFICERS AND ENLISTED MEN OF THE ARMY

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1795) to amend that portion of the act approved June 30, 1906 (34 Stat. 697, 750), authorizing the settlement of accounts of deceased officers and enlisted men of the Army, which was to strike out all after the enacting clause and insert:

That the portion of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes", approved June 30, 1906 (34 Stat. 697, 750; 10 U. S. C. 868), relating to the settlement of accounts of deceased officers and enlisted men of the Army, which reads:

"Hereafter, in the settlement of the accounts of deceased officers or enlisted men of the Army, where the amount due the de-

cedent's estate is less than \$500 and no demand is presented by a fully appointed legal representative of the estate, the accounting officers may allow the amount found due to the decedent's widow or legal heirs in the following order of precedence: First, to the widow; second, if decedent left no widow, or the widow be dead at time of settlement, then to the children or their issue, per stirpes; third, if no widow or descendants, then to the father and mother in equal parts, provided the father has not abandoned the support of his family, in which case to the mother alone; fourth, if either the father or mother be dead then to the one surviving; fifth, if there be no widow, child, father, or mother at the date of settlement, then to the brothers and sisters and children of deceased brothers and sisters, per stirpes: *Provided*, That this act shall not be so construed as to prevent payment from the amount due the decedent's estate of funeral expenses, provided a claim therefor is presented by the person or persons who actually paid the same before settlement by the accounting officers", is hereby amended to read as follows:

"Hereafter, in the settlement of the accounts of deceased officers or enlisted men of the Army, where the amount due the decedent's estate is less than \$1,000 and no demand is presented by a duly appointed legal representative of the estate, the accounting officers may allow the amount found due to the decedent's widow or legal heirs in the following order of precedence: First, to the widow; second, if decedent left no widow, or the widow be dead at time of settlement, then to the children or their issue, per stirpes; third, if no widow or descendants, then to the father and mother in equal parts, provided the father has not abandoned the support of his family, in which case to the mother alone; fourth, if either the father or mother be dead, then to the one surviving; fifth, if there be no widow, child, father, or mother at the date of settlement, then to the brothers and sisters and children of deceased brothers and sisters, per stirpes. Where the amount due the decedent's estate is \$1,000 or more and no demand is presented by a duly appointed legal representative of the estate, the accounting officers may allow \$1,000 of the amount due to the estate to the widow or legal heirs in the order of precedence hereinabove set forth. *Provided*, That this act shall not be so construed as to prevent payment from the amount due the decedent's estate of funeral expenses, provided a claim therefor is presented by the person or persons who actually paid the same before settlement by the accounting officers."

Mr. HILL. Mr. President, this bill simply changes the law of 1906, which provided that when a member of the armed services died or was killed in the service, his widow or legal heirs could collect up to \$500 from the General Accounting Office, without going to the expense and delay of having an administration of the estate, and having an executor or administrator appointed. What the bill does is to change that law so as to raise the amount from \$500 to \$1,000. The bill does not involve any claim against the Government. It involves merely the collection by the widow or legal heirs of the pay which the Government of the United States owes the widow or legal heirs, and is designed to save the expense and delay of issuing letters of administration.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. WHITE. As I understand, this bill relates only to the disposal by the

proper authorities of the Government of accrued pay owing to the member of the armed forces.

Mr. HILL. The Senator is correct.

I move that the Senate concur in the House amendment.

The motion was agreed to.

FEDERAL AID FOR POST-WAR HIGHWAY CONSTRUCTION

The PRESIDING OFFICER (Mr. STEWART in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans, and for other purposes.

Mr. McKELLAR. I move that the Senate disagree to the amendment of the House, ask a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McKELLAR, Mr. HAYDEN, Mr. BAILEY, Mr. REED, and Mr. LANGER conferees on the part of the Senate.

OLIVER N. KNIGHT

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1827) for the relief of Oliver N. Knight, which was, on page 1, line 6, to strike out "\$20,442.16" and insert "\$22,992.16."

Mr. ELLENDER. I move that the Senate concur in the House amendment.

Mr. WHITE. Mr. President, will the Senator indicate just what the amendment is?

Mr. ELLENDER. The House has increased an allowance made by the Claims Committee, by about \$2,000, and I now move that the Senate concur in the House amendment.

The motion was agreed to.

Mr. ELLENDER subsequently said: Mr. President, a while ago I moved that the Senate concur in the amendment of the House to Senate bill 1827, an act for the relief of Oliver N. Knight. That was made by me under a misapprehension of the facts in the case.

I have consulted the distinguished senior Senator from North Carolina [Mr. BAILEY], who originally introduced the bill, and he has no objection to the motion which I am about to make.

I now move to reconsider the vote by which the Senate concurred in the House amendment, that the Senate ask for a conference with the House thereon, and that the Chair appoint conferees on the part of the Senate.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. LANGER. What is the nature of the bill?

Mr. ELLENDER. The bill concerns a claim for the relief of Oliver N. Knight,

whose entire family was wiped out in an airplane accident.

Mr. LANGER. I thank the Senator.

The PRESIDING OFFICER. The question is agreeing to the motion of the Senator from Louisiana.

The motion was agreed to; and the Presiding Officer (Mr. MAYBANK in the chair) appointed Mr. ELLENDER, Mr. STEWART, and Mr. ROBERTSON conferees on the part of the Senate.

FLOOD-CONTROL PROJECTS

The Senate resumed the consideration of the bill (H. R. 4485) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes.

Mr. LA FOLLETTE. Mr. President, I have received a telegram from the president of the Wisconsin Farmers Union relating to the flood-control and rivers and harbors bill, which at his request I ask be inserted in the RECORD as a part of my remarks.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

CHIPPewa FALLS, Wis., November 28, 1944.

Senator ROBERT M. LA FOLLETTE,

Senate Office Building:

Present flood-control and rivers and harbors bill should be delayed until next session. They do not fulfill needs of people. Both M. V. A. and St. Lawrence waterway projects as now proposed a waste of public funds to serve all the people. Wisconsin Farmers Union on record for a complete program in development of natural resources that will serve farmers and others to the fullest utilization of projects. Insert in CONGRESSIONAL RECORD.

WISCONSIN FARMERS UNION,

K. W. HONES, State President.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Montana [Mr. MURRAY], at the end of section 2, line 19, page 2, of the bill, to insert new matter.

The amendment of Mr. MURRAY is as follows:

At the end of section 2, line 19, page 2, insert: "Provided, That all functions, powers, duties, and projects of the Secretary of War, the Chief of Engineers, and the Corps of Engineers with respect to the examination, survey, construction, operation, and maintenance of western water conservation reservoirs owned or controlled by the Federal Government, or with respect to any works of improvement appurtenant to such reservoirs, whether heretofore, herein, or hereafter authorized for examination, survey, construction, operation, or maintenance, are hereby transferred to the Secretary of the Interior and shall be administered, under his direction and supervision, by the Bureau of Reclamation in the Department of the Interior. The term 'western water conservation reservoirs' as used in this section shall be deemed to include all reservoirs which are used, or capable of being used, in whole or in part for the conservation, storage, or detention of water, including flood control, or for the reclamation of arid or semiarid lands, and which are located in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming: *Provided further*, That all records and property (including office equipment, machinery, supplies, facilities, contracts, and assets of every kind, but ex-

cluding property needed in the conduct of military operations) used primarily in the administration of any such functions, powers, duties, and projects shall be transferred to the Department of the Interior for use in connection with the administration of said functions, powers, duties, and projects: *Provided further*, That all civilian personnel engaged primarily in the administration of any such functions, powers, duties, and projects shall be transferred to the Department of the Interior for use in connection with the administration of such functions, powers, duties, and projects. Any of the civilian personnel transferred under this section who are found by the Secretary of the Interior to be in excess of the personnel necessary for efficient administration of the activities covered by this section shall be retransferred under existing law to other positions in the Government service or shall be separated from the service. Any person whose employment is terminated on account of a reduction of personnel resulting from the operation of this order shall, for a period of 1 year from the date of such termination of employment, be given preference, if qualified, whenever an appointment is made in the executive branch of the Government: *Provided further*, That so much of the unexpended balances of appropriations, authorizations, allocations, or other funds heretofore or hereafter made available for use in the administration of any of the functions, powers, duties, and projects transferred by this section (including appropriations, authorizations, allocations, or other funds available for general departmental or staff services used in the administration of any such activity) as shall be determined, upon the basis of the pertinent legislative, budgetary, and administrative apportionments, to be properly subject to utilization in the administration of such functions, powers, duties, or projects shall be transferred to the Department of the Interior for use in connection with the administration of the functions, powers, duties, and projects transferred by this section. The moneys so transferred may include amounts to provide for the liquidation of obligations incurred against such appropriations, authorizations, allocations, or other funds prior to the transfer. No moneys transferred under this provision shall be expended for purposes other than those for which such moneys were appropriated or otherwise originally made available, except to the extent to which their expenditure for other purposes may be authorized by law: *Provided further*, That nothing contained in this section shall impair the validity of any outstanding obligations or contracts of the United States of America or of any department, establishment, or agency thereof: *Provided further*, That all rules, regulations, orders, permits, licenses, privileges, or other like matters made, issued, or granted in pursuance of, or with respect to, any function, power, duty, or project transferred by this section which are in effect at the time of such transfer shall continue in effect to the same extent as if such transfer had not occurred until modified, superseded, or repealed: *Provided further*, That the Director of the Bureau of the Budget shall take such action as may be necessary or appropriate for the effectuation of the transfers provided for herein, and shall prescribe the date or dates on which such transfers shall become effective. His determinations with respect to the proper allocation of the records, property, personnel, and funds referred to in said sections shall, when approved by the President, be final for the purposes of this act."

Mr. MURRAY. Mr. President, last evening I was about to explain the amendment. It will have the effect of transferring the civilian construction functions and activities of the Corps of

Engineers in the West to the Bureau of Reclamation. I will undertake to explain as briefly as possible why such an amendment is needed.

This action is needed first of all for the protection of all interests in the western part of our country against the inroads of a Federal agency which by law is not required to obey State statutes. Acting under the authority of the commerce clause of the Constitution, the Corps of Engineers can and does invade the West, interferes with vested rights in water, and otherwise plays havoc with State rights. On the other hand, the Bureau of Reclamation is required by Federal law to observe the State laws governing water rights.

The economy of the arid and semiarid areas of the West is dependent upon the establishment and recognition of the fundamental concept that waters arising in the West shall remain available for beneficial consumptive uses in the West. The whole future of the West depends on recognition of this policy. In recognition of this policy, and to facilitate administration and development of the water resources of the West, the Western States have developed through the years, by constitutional and statutory provisions and through the decisions of their courts, certain rules governing rights in water. If the Corps of Engineers of the United States Army is authorized by the pending flood-control bill to undertake the projects it has in mind in the West, then the West will, in effect, have surrendered to a large extent the dominion which it now exercises over its own water resources.

The authority of the Corps of Engineers to proceed with these projects will depend, of course, upon the enactment of H. R. 4485. The authority of the Congress to enact H. R. 4485 derives from the commerce clause of the Constitution of the United States. Under the commerce clause of the United States Constitution, the Federal Government may proceed with navigation and flood-control developments without regard to the impairment or even the complete obliteration of rights for irrigation or other beneficial uses established under State law and even without compensating for the rights so impaired or so taken. That statement is made on the authority of a series of decisions of the Supreme Court of the United States in the following cases: *Sanitary District of Chicago v. United States* (266 U. S. 405 (1925)); *United States v. Chandler-Dunbar Co.* (299 U. S. 53 (1933)); *Scranton v. Wheeler* (179 U. S. 141 (1900)); *United States v. Rio Grande Irrigation Co.* (174 U. S. 690 (1899)); *Gibson v. United States* (166 U. S. 269 (1897)).

There can be no doubt whatsoever, on the basis of the cases decided by the highest court in the land, that the Corps of Engineers can, if it wishes to do so, proceed with the construction, operation, and maintenance of the works which it seeks authority to construct, entirely without regard to existing water rights, whether they be riparian or appropriative rights established under the Constitution and laws of a State. It is said that the Corps of Engineers has

78TH CONGRESS
2D SESSION

S. 2105

IN THE SENATE OF THE UNITED STATES

NOVEMBER 30 (legislative day, NOVEMBER 21), 1944

Ordered to be printed with the amendment of the House of Representatives

AN ACT

To amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 ~~That, when used in this Act, unless the context indicates~~
4 ~~otherwise—~~

5 The term "construction" means the supervising, inspect-
6 ing, actual building, and all expenses incidental to the con-
7 struction or reconstruction of a highway, including locating,

1 surveying, and mapping, and elimination of hazards at rail-
2 way-grade crossings, but does not include costs of rights-of-
3 way.

4 The term "urban area" means an area including and
5 adjacent to a municipality or other urban place, of five thou-
6 sand or more, as shown by the latest available Federal census.
7 The boundaries of urban areas, as defined herein, will be
8 fixed by the State highway department of each State sub-
9 ject to the approval of the Public Roads Administration.

10 The term "rural areas" means all areas of the State
11 not included in "urban areas".

12 The term "secondary and feeder roads" means roads
13 in rural areas, including farm-to-market roads, rural-mail
14 routes, and school-bus routes, and not on the Federal-aid
15 system.

16 SEC. 2. For the purpose of carrying out the provisions
17 of the Federal Highway Act, approved November 9, 1921,
18 as amended and supplemented, there is hereby authorized to
19 be appropriated the sum of \$1,350,000,000 to become avail-
20 able at the rate of \$450,000,000 a year for each of three suc-
21 cessive post-war fiscal years: *Provided*, That of the sum
22 authorized to be appropriated for the first of such fiscal years
23 \$100,000,000 may be appropriated to become available im-
24 mediately upon apportionment of the authorization for said
25 fiscal year for the making of surveys and plans and for

1 construction: *Provided further*, That except for the sum
2 appropriated pursuant to the preceeding proviso, no part
3 of the funds made available pursuant to this Act shall
4 be used to pay costs incurred under any construction
5 contract entered into by any State before the beginning
6 of the first post-war fiscal year. The first post-war fiscal
7 year shall be that fiscal year which ends on June 30
8 following the termination of the present war emergency,
9 or as otherwise directed by the Congress. The authoriza-
10 tion for the first post-war fiscal year shall be apportioned
11 among the States within thirty days from the passage of this
12 Act. The authorizations for the second and third post-war
13 fiscal years shall be apportioned among the States not later
14 than January 1 next preceeding the beginning of each
15 such fiscal year. As soon as the funds for each of the
16 post-war fiscal years have been apportioned, the Commis-
17 sioner of Public Roads is authorized to enter into agreements
18 with the State highway departments for the making of sur-
19 veys and plans and the post-war construction of projects
20 for such year. His approval of any such agreement shall
21 be a contractual obligation of the Federal Government for
22 the payment of its pro rata share of the cost of construction.

23 SEC. 3. The sum authorized in section 2 for each year
24 shall be available for expenditures as follows:

1 (a) \$200,000,000 for projects on the Federal-aid
2 highway system.

3 (b) \$125,000,000 for projects on the principal sec-
4 ondary and feeder roads, including farm-to-market roads,
5 rural free delivery mail and public-school bus routes, either
6 outside of municipalities or inside of municipalities of
7 less than five thousand population: *Provided*, That these
8 funds shall be expended on a system of such roads se-
9 lected by the State highway departments in cooperation with
10 the county supervisors, county commissioners, or other appro-
11 priate local road officials and the Commissioner of Public
12 Roads: *Provided further*, That in any State having a popula-
13 tion density of more than two hundred per square mile, as
14 shown by the latest available Federal census, the said system
15 may be selected without regard to included municipal bound-
16 aries: *Provided further*, That any of such funds for second-
17 ary and feeder roads which are apportioned to a State in
18 which all public roads and highways are under the control
19 and supervision of the State highway department may, if the
20 State highway department and the Commissioner of Public
21 Roads jointly agree that such funds are not needed for sec-
22 ondary and feeder roads, be expended for projects in such
23 State on the Federal-aid highway system.

24 (c) \$125,000,000 for projects on the Federal-aid
25 highway system in urban areas.

1 SEC. 4. After making the deductions for administration,
2 research, and investigations as provided in section 21 of the
3 Federal Highway Act of 1921, the sums authorized shall
4 be apportioned as follows:

5 ~~(a)~~ The \$200,000,000 per year available for projects
6 on the Federal-aid highway system shall be apportioned
7 among the States as provided in section 21 of the Federal
8 Highway Act.

9 ~~(b)~~ The \$125,000,000 per year available for projects
10 on the secondary and feeder roads shall be apportioned
11 among the States in the following manner: One-third in the
12 ratio which the area of each State bears to the total area of
13 all the States; one-third in the ratio which the rural popu-
14 lation of each State bears to the total population of all
15 the States, as shown by the Federal census of 1940;
16 and one-third in the ratio which the mileage of rural delivery
17 and star routes in each State bears to the total mileage of
18 rural delivery and star routes in all the States.

19 ~~(c)~~ The \$125,000,000 per year available for projects
20 on highways in urban areas shall be apportioned among
21 the States in the ratio which the population in municipalities
22 and other urban places, of five thousand or more, in each
23 State bears to the total population in municipalities and
24 other urban places, of five thousand or more, in all the
25 States as shown by the latest available Federal census:

1 *Provided*, That Connecticut and Vermont towns shall be
 2 considered municipalities regardless of their incorporated
 3 status.—

4 (d) As used in this section the term "State" in-
 5 cludes the District of Columbia and the Territories of Hawaii
 6 and Puerto Rico.

7 (e) Any sums apportioned to any State under the
 8 provisions of this section shall be available for expenditure
 9 in that State for two years after the date of apportionment,
 10 and any amount so apportioned remaining unexpended at
 11 the end of such period shall lapse: *Provided*, That such
 12 funds shall be deemed to have been expended if covered
 13 by formal agreement with the Commissioner of Public
 14 Roads for the improvement of a specific project as provided
 15 by this Act.

16 SEC. 5. (a) The Federal share payable on account of
 17 any project provided for by the funds made available by this
 18 Act shall not exceed 50 per centum of the construction
 19 cost thereof: *Provided*, That in the case of any State contain-
 20 ing unappropriated and unreserved public lands and nontax-
 21 able Indian lands, individual and tribal, exceeding 5 per
 22 centum of the total area of all lands therein the Federal share
 23 shall be increased in each of the three post-war years by a
 24 percentage of the remaining cost equal to the percentage that
 25 the area of all such lands in such State is of its total area:

1 *Provided further*, That no less than 10 per centum of any
 2 sums apportioned to any State for projects on the Federal-
 3 aid highway system, for projects on secondary and feeder
 4 roads, and for projects in urban areas shall be available for
 5 projects for the elimination of hazards of highway-railway
 6 crossings until hazards are eliminated: *And provided further*,
 7 That any part of the construction cost of projects for the
 8 elimination of hazards of railway-highway crossings, except
 9 the part of such cost which is paid by the railway or rail-
 10 ways involved, may be paid from Federal funds: *Provided*
 11 *further*, That no Federal funds shall be expended on any such
 12 project unless the railway or railways involved pay not less
 13 than 15 per centum of the construction cost of such project.

14 (b) If within any of the three post-war fiscal years
 15 referred to in this Act the Federal Works Administrator
 16 shall find with respect to any State (1) that the proceeds
 17 of all special taxes on motor-vehicle transportation, as re-
 18 ferred to in section 12 of the Act of June 18, 1934 (48
 19 Stat. 995), as amended, are applied to highway purposes
 20 as defined in said section; (2) that 100 per centum of
 21 such proceeds are applied to the administrative and oper-
 22 ating expenses of the State highway department, the mainte-
 23 nance of the State and Federal-aid highway systems, and
 24 the payment of interest on, and the amortization of, bond
 25 obligations of the State for the payment of which such reve-

1 nues have been continuously pledged since January 1 1942;
2 ~~(3)~~ that the rate of none of such taxes has been reduced
3 after September 1, 1944; and ~~(4)~~ that the portion of the
4 proceeds of all such special taxes then available for con-
5 struction, together with funds available to the State from
6 any other sources for highway purposes, will be insufficient
7 to match all, or any part, of the funds apportioned to such
8 State for such fiscal years in accordance with the provisions
9 of this Act, then such portion of such apportionments as
10 the Federal Works Administrator shall find the State is
11 unable to match shall be made available for expenditure in
12 such State in accordance with the Federal Highway Act,
13 as amended and supplemented, without being matched by
14 the State. Any finding made by the Federal Works Ad-
15 ministrator under this subsection shall be made by him only
16 after a full and complete investigation of the facts and
17 records upon which such findings is based.

18 SEC. 6. If the Commissioner of Public Roads shall de-
19 termine that it is necessary for the expeditious completion
20 of projects undertaken pursuant to this Act, he may advance
21 to any State from funds heretofore or hereafter made avail-
22 able the Federal share of the cost thereof to enable the
23 State highway department to make prompt payments for
24 work as it progresses. The funds so advanced shall be
25 deposited in a special trust account by the State treasurer,

1 or other State official authorized under the laws of the State
2 to receive Federal-aid highway funds, to be disbursed solely
3 upon vouchers approved by the State highway department
4 for work actually performed in accordance with plans, speci-
5 fications, and estimates approved by the Public Roads Ad-
6 ministration under the provisions of this Act. Any unex-
7 pended balances of funds so advanced shall be returned to
8 the credit of the appropriation from which the funds have
9 been advanced.

10 SEC. 7. There shall be designated within the continental
11 United States a System of Interregional Highways not
12 exceeding forty thousand miles in total extent so located as
13 to connect by routes, as direct as practicable, the principal
14 metropolitan areas, cities, and industrial centers, to serve the
15 national defense, and to connect at suitable border points
16 with routes of continental importance in the Dominion of
17 Canada and the Republic of Mexico. The routes of the
18 System of Interregional Highways shall be selected by
19 joint action of the State highway departments of each State
20 and the adjoining States, as provided by the Federal High-
21 way Act of November 9, 1921, for the selection of the
22 Federal-aid system. All highways or routes included in the
23 System of Interregional Highways as finally approved,
24 if not already included in the Federal-aid highway system,

1 shall be added to said system without regard to any mileage
2 limitation.

3 SEC. 8. With the approval of the Federal Works Ad-
4 ministrator, not to exceed $4\frac{1}{2}$ per centum of the amount
5 apportioned for any year to any State under the Federal
6 Highway Act as amended and supplemented, except sec-
7 tions 3 and 23 thereof shall hereafter be used with or with-
8 out State funds for surveys, plans, engineering, and economic
9 investigations of projects for future construction in such
10 State, on the Federal-aid highway system and extensions
11 thereof within municipalities, on secondary or feeder roads,
12 urban highways or grade-crossing eliminations, and for high-
13 way research necessary in connection therewith.

14 SEC. 9. For the purpose of carrying out the provisions of
15 section 23 of the Federal Highway Act (42 Stat. 218), as
16 amended and supplemented, there is hereby authorized to be
17 appropriated (1) for forest highways the sum of \$25,600,000
18 for the first post-war year and a like amount for each of the
19 second and third post-war years; and (2) for forest develop-
20 ment roads and trails the sum of \$12,500,000 for the first
21 post-war year and a like amount for each of the second and
22 third post-war years: *Provided*, That the apportionment for
23 forest highways in Alaska shall be for each year \$1,500,000
24 and that such additional amount as otherwise would have
25 been apportioned to Alaska for each of said years shall be

1 apportioned among those States, including Puerto Rico, whose
2 forest highway apportionment for such year otherwise would
3 be less than 1 per centum of the entire apportionment for
4 forest highways for that year.

5 SEC. 10. (a) For the construction, reconstruction, im-
6 provement, and maintenance of roads and trails, inclusive of
7 necessary bridges, in national parks, monuments, and other
8 areas administered by the National Park Service, including
9 areas authorized to be established as national parks and monu-
10 ments, and national park and monument approach roads
11 authorized by the Act of January 31, 1931 (46 Stat. 1053),
12 as amended, there is hereby authorized to be appropriated
13 the sum of \$12,750,000 to become available at the rate of
14 \$4,250,000 a year for each three successive post-war years.

15 (b) For the construction and maintenance of park-
16 ways, to give access to national parks and national monu-
17 ments, or to become connecting sections of a national parkway
18 plan, over lands to which title has been transferred to the
19 United States by the States or by private individuals, there
20 is hereby authorized to be appropriated the sum of
21 \$15,000,000 to become available at the rate of \$5,000,000
22 a year for each three successive post-war years.

23 SEC. 11. The Commissioner of Public Roads is author-
24 ized, notwithstanding the provisions of any other law, to
25 cooperate with the State highway departments and any

1 Federal agency in the location, development, construction,
2 and maintenance of flight strips adjacent to public high-
3 ways, after approval of the location by the Civil Aeronautics
4 Administration, in order to insure greater safety for traffic on
5 the public highways by providing additional facilities to be
6 available for the landing and take-off of aircraft. When re-
7 quested by the State highway department, funds authorized by
8 this Act are hereby made available, in addition to any funds
9 that may be available under any other appropriation, for
10 carrying out the provisions of this section and for paying
11 all or any part of the necessary construction costs incurred
12 therefor. Federal highway funds shall not be used for
13 the reconstruction or relocation of any highway giving
14 access to a flight strip or airport, or for the reconstruction or
15 relocation of any highway which has been or may be closed or
16 the usefulness of which has been or may be impaired by the
17 location or construction of any flight strip or airport, unless
18 the officials in charge have first concurred with the State
19 highway department and the Public Roads Administration
20 in the location of such flight strip or airport.

21 SEC. 12. On any highway or street hereafter constructed
22 with Federal aid in any State, the form and character of
23 informational, regulatory and warning signs, curb and pave-
24 ment or other markings, and traffic signals installed or placed
25 by any public authority, or other agency, shall be subject

1 to a standard code approved by the State highway depart-
 2 ment with the concurrence of the Commissioner of Public
 3 Roads.

4 SEC. 13. The term "highway" as defined by the Federal
 5 Highway Act shall not be deemed to include any bridges
 6 hereafter to be constructed if located within five miles of an
 7 existing toll bridge, unless a reasonable offer is made to
 8 acquire the facilities of such toll bridge and such offer has not
 9 been accepted, and unless a finding as to the reasonableness
 10 of said offer, the failure of acceptance, and the percentage of
 11 amortization of such toll bridge has been made after public
 12 hearing by the Federal Works Administrator: *Provided,*
 13 That such finding by the Federal Works Administrator shall
 14 not be subject to review.

15 SEC. 14. This Act may be cited as the "Federal Aid
 16 Highway Act of 1944".
 17 That, when used in this Act, unless the context indicates
 18 otherwise—

19 *The term "construction" means the supervising, inspect-*
 20 *ing, actual building, and all expenses incidental to the con-*
 21 *struction or reconstruction of a highway, including locating,*
 22 *surveying, and mapping, costs of rights-of-way, and elimina-*
 23 *tion of hazards at railway-grade crossings.*

24 *The term "urban area" means an area including and*

1 adjacent to a municipality of five thousand or more, the
2 population of such included municipality to be determined
3 by the latest available Federal census. The boundaries
4 of urban areas, as defined herein, will be fixed by the State
5 highway department of each State subject to the approval
6 of the Public Roads Administration.

7 The term "rural areas" means all areas of the State
8 not included in "urban areas".

9 The term "secondary and feeder roads" means roads
10 in rural areas, including farm-to-market roads, rural-mail
11 routes, and school-bus routes, and not on the Federal-aid
12 system.

13 SEC. 2. For the purpose of carrying out the provisions
14 of the Federal Highway Act, approved November 9, 1921,
15 as amended and supplemented, there is hereby authorized to
16 be appropriated the sum of \$1,500,000,000 to become avail-
17 able at the rate of \$500,000,000 a year for each three suc-
18 cessive post-war fiscal years. The first post-war fiscal year
19 shall be the fiscal year 1945 or as otherwise directed by the
20 Congress. The authorization for the first post-war fiscal
21 year shall be apportioned among the States within thirty
22 days from the passage of this Act. The authorizations for
23 the second and third post-war fiscal years shall be appor-
24 tioned among the States not later than January 1 next pre-
25 ceding the beginning of each such fiscal year. As soon as

1 the funds for each of the first two post-war fiscal years have
2 been apportioned, the Commissioner of Public Roads is
3 authorized to enter into agreements with the State highway
4 departments for the making of surveys and plans, the ac-
5 quisition of rights-of-way, and the post-war construction of
6 projects. His approval of any such agreement shall be a
7 contractual obligation of the Federal Government for the
8 payment of its pro rata share of the cost of construction:
9 Provided, however, That the Commissioner of Public Roads
10 shall not, as a condition of approval of any project for Fed-
11 eral aid hereunder, require any State to acquire title to, or
12 control of, any marginal land along the proposed highway
13 in addition to that reasonably necessary for road surfaces,
14 median strips, gutters, ditches, and side slopes.

15 SEC. 3. The sum authorized in section 2 for each year
16 shall be available for expenditures as follows:

17 (a) \$225,000,000 for projects on the Federal-aid high-
18 way system.

19 (b) \$150,000,000 for projects on the principal sec-
20 ondary and feeder roads, including farm-to-market roads.
21 rural free delivery mail and public-school bus routes, either
22 outside of municipalities or inside of municipalities of less
23 than five thousand population: Provided, That these funds
24 shall be expended on a system of such roads selected by the
25 State highway departments in cooperation with the county

1 supervisors, county commissioners, or other appropriate local
2 road officials and the Commissioner of Public Roads: Pro-
3 vided further, That in any State having a population density
4 of more than two hundred per square mile, as shown by the
5 latest available Federal census, the said system may be selected
6 by the State highway department with the approval of the
7 Commissioner of Public Roads without regard to included
8 municipal boundaries: Provided further, That any of such
9 funds for secondary and feeder roads which are apportioned
10 to a State in which all public roads and highways are under
11 the control and supervision of the State highway department
12 may, if the State highway department and the Commissioner
13 of Public Roads jointly agree that such funds are not needed
14 for secondary and feeder roads, be expended for projects
15 in such State on the Federal-aid highway system.

16 (c) \$125,000,000 for projects on the Federal-aid high-
17 way system in urban areas.

18 SEC. 4. After making the deductions for administration,
19 research, and investigations as provided in section 21 of the
20 Federal Highway Act of 1921, the sums authorized shall be
21 apportioned as follows:

22 (a) The \$225,000,000 per year available for projects
23 on the Federal-aid highway system shall be apportioned
24 among the States as provided in section 21 of the Federal
25 Highway Act.

1 (b) The \$150,000,000 per year available for projects
2 on the secondary and feeder roads shall be apportioned among
3 the States in the following manner: One-third in the ratio
4 which the area of each State bears to the total area of all the
5 States; one-third in the ratio which the rural population of
6 each State bears to the total rural population of all the States,
7 as shown by the Federal census of 1940; and one-third in the
8 ratio which the mileage of rural delivery and star routes in
9 each State bears to the total mileage of rural delivery and
10 star routes in all the States.

11 (c) The \$125,000,000 per year available for projects
12 on highways in urban areas shall be apportioned among the
13 States in the ratio which the population in municipalities and
14 other urban places, of five thousand or more, in each State
15 bears to the total population in municipalities and other urban
16 places, of five thousand or more, in all the States as shown
17 by the latest available Federal census: Provided, That
18 Connecticut and Vermont towns shall be considered municipi-
19 palities regardless of their incorporated status.

20 (d) Any sums apportioned to any State under the pro-
21 visions of this section shall be available for expenditure in
22 that State for two years after the date of apportionment, and
23 any amount so apportioned remaining unexpended at the
24 end of such period shall lapse: Provided, That such funds
25 shall be deemed to have been expended if covered by formal

1 *agreement with the Commissioner of Public Roads for the*
2 *improvement of a specific project as provided by this Act.*

3 *SEC. 5. The Federal share payable on account of any*
4 *project provided for by the funds made available by this Act*
5 *shall not exceed 50 per centum of the cost thereof: Provided,*
6 *That in the case of any State containing unappropriated and*
7 *unreserved public lands and nontaxable Indian lands, indi-*
8 *vidual and tribal, exceeding 5 per centum of the total area*
9 *of all lands therein the Federal share shall be increased in*
10 *each of the three post-war years by a percentage of the*
11 *remaining cost equal to the percentage that the area of all*
12 *such lands in such State is of its total area: Provided further,*
13 *That the entire construction cost of projects for the elimination*
14 *of hazards of railway-highway crossings may be paid from*
15 *Federal funds, except that not more than 50 per centum*
16 *of the right-of-way and property damage costs, paid from*
17 *public funds, on any such project, may be paid from Federal*
18 *funds: Provided further, That not more than 15 per centum*
19 *of the sums apportioned to any State shall be used for rail-*
20 *way-highway projects.*

21 *SEC. 6. If the Commissioner of Public Roads shall de-*
22 *termine that it is necessary for the expeditious completion*
23 *of projects undertaken pursuant to this Act, he may advance*
24 *to any State from funds heretofore or hereafter made avail-*
25 *able the Federal share of the cost thereof to enable the*

1 State highway department to make prompt payments for
2 work as it progresses: Provided, That such State has not
3 diverted revenues derived from gasoline taxes, automobile
4 license fees and other taxes and fees, intended for highway
5 purposes, to other uses. The funds so advanced shall be de-
6 posited in a special trust account by the State treasurer, or
7 other State official authorized under the laws of the State to
8 receive Federal-aid highway funds, to be disbursed solely
9 upon vouchers approved by the State highway department for
10 work actually performed in accordance with plans, specifi-
11 cations, and estimates approved by the Public Roads Adminis-
12 tration under the provisions of this Act. Any unexpended
13 balances of funds so advanced shall be returned to the credit
14 of the appropriation from which the funds have been ad-
15 vanced: Provided, That any advance made to any State under
16 the provisions of this section shall be deducted from any ap-
17 portionment allocated to such State under the provisions of
18 this Act for the year next succeeding the year in which such
19 advance is made, and no agreement made in accordance with
20 the provisions of section 2 of this Act shall be valid for any
21 pro rata share of the cost of construction in excess of such
22 apportionment less such advance.

23 SEC. 7. There shall be designated within the continental
24 United States a National System of Interstate Highways not
25 exceeding forty thousand miles in total extent so located as

1 to connect by routes, as direct as practicable, the principal
2 metropolitan areas, cities, and industrial centers, to serve the
3 national defense, and to connect at suitable border points
4 with routes of continental importance in the Dominion of
5 Canada and the Republic of Mexico. The routes of the
6 National System of Interstate Highways shall be selected by
7 joint action of the State highway departments of each State
8 and the adjoining States, as provided by the Federal High-
9 way Act of November 9, 1921, for the selection of the
10 Federal-aid system. All highways or routes included in the
11 National System of Interstate Highways as finally approved,
12 if not already included in the Federal-aid highway system,
13 shall be added to said system without regard to any mileage
14 limitation.

15 *SEC. 8. With the approval of the Federal Works Ad-*
16 *ministrator, not to exceed $1\frac{1}{2}$ per centum of the amount*
17 *apportioned for any year to any State under the Federal*
18 *Highway Act as amended and supplemented, except sec-*
19 *tions 3 and 23 thereof shall hereafter be used with or with-*
20 *out State funds for surveys, plans, engineering, and economic*
21 *investigations of projects for future construction in such*
22 *State, on the Federal-aid highway system and extensions*
23 *thereof within municipalities, on secondary or feeder roads,*
24 *urban highways or grade-crossing eliminations, and for high-*
25 *way research necessary in connection therewith.*

1 *SEC. 9. For the purpose of carrying out the provisions of*
2 *section 23 of the Federal Highway Act (42 Stat. 218), as*
3 *amended and supplemented, there is hereby authorized to be*
4 *appropriated (1) for forest highways the sum of \$25,000,000*
5 *for the first post-war year and a like amount for each of the*
6 *second and third post-war years; and (2) for forest develop-*
7 *ment roads and trails the sum of \$12,500,000 for the first*
8 *post-war year and a like amount for each of the second and*
9 *third post-war years: Provided, That the apportionment for*
10 *forest highways in Alaska shall be for each year \$1,500,000*
11 *and that such additional amount as otherwise would have*
12 *been apportioned to Alaska for each of said years shall be*
13 *apportioned among those States, including Puerto Rico, whose*
14 *forest highway apportionment for such year otherwise would*
15 *be less than 1 per centum of the entire apportionment for*
16 *forest highways for that year.*

17 *SEC. 10. (a) For the construction, reconstruction, im-*
18 *provement, and maintenance of roads and trails, inclusive of*
19 *necessary bridges, in national parks, monuments, and other*
20 *areas administered by the National Park Service, including*
21 *areas authorized to be established as national parks and monu-*
22 *ments, and national park and monument approach roads*
23 *authorized by the Act of January 31, 1931 (46 Stat. 1053),*
24 *as amended, there is hereby authorized to be appropriated*

1 the sum of \$12,750,000 to become available at the rate of
2 \$4,250,000 a year for each three successive post-war years.

3 (b) For the construction and maintenance of park-
4 ways, to give access to national parks and national monu-
5 ments, or to become connecting sections of a national parkway
6 plan, over lands to which title has been transferred to the
7 United States by the States or by private individuals, there
8 is hereby authorized to be appropriated the sum of
9 \$30,000,000 to become available at the rate of \$10,000,000
10 a year for each three successive post-war years.

11 SEC. 11. For the construction, improvement, and main-
12 tenance of Indian reservation roads and roads to provide
13 access to Indian reservations and Indian lands under the
14 provisions of the Act approved May 26, 1928 (45 Stat. 750),
15 there is hereby authorized to be appropriated the sum of
16 \$6,000,000 for the first post-war year and a like amount for
17 each of the second and third post-war years: Provided, That
18 under the provisions of the Act approved September 5, 1940
19 (54 Stat. 867), the location, type, and design of all roads
20 constructed shall be approved by the Public Roads Adminis-
21 tration before any expenditures are made thereon, and all
22 such construction done by contract shall be under the general
23 supervision of the Public Roads Administration.

24 SEC. 12. On any highway or street hereafter constructed
25 with Federal aid in any State, the location, form, and

1 *character of informational, regulatory and warning signs,*
2 *curb and pavement or other markings, and traffic signals*
3 *installed or placed by any public authority, or other agency,*
4 *shall be subject to the approval of the State highway depart-*
5 *ment with the concurrence of the Public Roads Administra-*
6 *tion; and the Commissioner of Public Roads is hereby*
7 *directed to concur only in such installations as will promote*
8 *the safe and efficient utilization of the highways.*

Passed the Senate September 15 (legislative day,
September 1), 1944.

Attest:

EDWIN A. HALSEY,

Secretary.

Passed the House of Representatives with an amend-
ment November 29, 1944.

Attest:

SOUTH TRIMBLE,

Clerk.

AN ACT

To amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 30 (legislative day, NOVEMBER 21), 1944

Ordered to be printed with the amendment of the
House of Representatives

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued December 2, 1944, for actions of Friday, December 1, 1944)

(For staff of the Department only)

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HOUSE

1. ROAD AUTHORIZATIONS. Reps. Robinson, Whittington, Randolph, Peterson of Ga., Wolcott, Mott, and Cunningham were appointed conferees on this bill, S. 2105 (p. 8820). Senate conferees were appointed Nov. 30.
2. SMALL BUSINESS. Passed without amendment S. 2004, to increase the capital stock of the Smaller War Plants Corporation (pp. 8815-33). Rep. Sabath, Ill., discussed the provisions of this bill and urged its enactment to enable SWPC to aid the small businessman in view of increased living costs, including cost of food (pp. 8816-7). This bill will now be sent to the President.
3. LEND-LEASE. Rep. Miller, Nebr., criticized the operation of the lend-lease program (pp. 8834-6).
4. FARM LOANS. Agriculture Committee reported without amendment S. 1688, which directs this Department to adjust, compromise, or cancel certain indebtedness of farmers for seed-feed loans, etc. (p. 8839). (For summary of this bill see Digest 143.)
5. RURAL ELECTRIFICATION. Agriculture Committee reported without amendment H. R. 5566, to authorize REA to make loans to cooperative associations to repay or refinance loans from TVA but requiring State approval before a loan can be made for a generating plant (H. Rept. 2009) (p. 8839). This bill contains a provision, not in the earlier McCord bill, authorizing loans without regard to the 10% State limitation.
6. FORESTRY. Public Lands Committee reported with amendment S. 275, relating to jurisdiction over certain grant lands in Oregon (H. Rept. 1998).
As reported by the House Committee, the bill gives Interior authority to administer the lands and directs Agriculture and Interior to exchange O and C or Coos Bay Wagon Road lands and national-forest lands to facilitate administration.

As earlier passed by the Senate, the bill would continue this Department's administration of the lands but would provide for distribution of receipts under an Interior formula.

Agriculture Committee reported without amendment H. R. 5409, to provide for exchange of lands adjacent to the Pike National Forest, Colo. (H. Rept. 2008) (p. 8839).

7. IRRIGATION LANDS. Agriculture Committee reported without amendment H. R. 5563, to authorize FSA to exchange certain Angostura irrigation project lands, Hot Springs, S. Dak. (H. Rept. 2007) (p. 8839).
8. SOCIAL SECURITY. Ways and Means Committee reported with amendment H. R. 5564, to continue the present social-security tax rates during 1945 (H. Rept. 2010) (p. 8839).
9. ADJOURNED until Mon., Dec. 4 (p. 8839). Legislative program as announced by Majority Leader McCormack: Mon., Consent Calendar; Tues., Private Calendar; and Wed., first supplemental appropriation bill, 1945, followed by H. R. 2241, to abolish the Jackson Hole National Monument and to restore this area to the Teton National Forest (p. 8834).

SENATE

10. FLOOD CONTROL. Passed with amendments H. R. 4485, the flood-control bill (pp. 8785-94).
Sens. Overton, Bailey, Caraway, Clark of Mo., Bilbo, Johnson of Calif., Brewster, and Burton, and Reps. Whittington, Allen of La., Elliott, Clason, and Curtis were appointed conferees (pp. 8794, 8834).
11. MISSOURI VALLEY AUTHORITY; ST. LAWRENCE WATERWAY. Sen. Capper, Kans., inserted a Farmers' Union telegram favoring these projects (p. 8776).
12. CROP INSURANCE. Authorized the Agriculture and Forestry Committee to file during recess a report on H. R. 4911, to amend the Federal Crop Insurance Act (p. 8777). (This report had not been filed at 9:30 a.m. today.)
13. RIVERS AND HARBORS BILL. Began debate on this bill, H. R. 3961 (pp. 8794-811).
14. ADJOURNED until Mon., Dec. 4 (p. 8812).

BILLS INTRODUCED

15. A.A.A. TOBACCO. H. R. 5562 (see Digest-166) provides that the loan rate of burley tobacco, 1944 and 1945 crops, be not less than 45-1/2 cents per pound, prohibits any established or maintained price at a level below the loan rate and any established or maintained maximum price on products consisting in whole or in chief value of burley tobacco which would indicate a price less than loan rate.
16. RETIREMENT. By Rep. Ramspeck, Ga., H. R. 5571, to omit or defer the required 5-year valuation of the civil-service retirement and disability fund for the duration of the present war and for 1 year thereafter. To Civil Service Committee. (p. 8839)

ITEMS IN APPENDIX

17. RECLAMATION. Extension of remarks of Rep. Holmes, Wash., including G. L. Lineweaver's (Bureau of Reclamation) Washington State Reclamation Association address on "Washington's Place in Reclamation--War and Post-War" (pp. A4934-6).

succession until July 1, 1945; and provided for \$150,000,000 capital stock to be subscribed by the Secretary of the Treasury, to be paid in from time to time as the corporation might need the funds. I shall do my best to make this a more acceptable bill before final action on it today.

Here is a proposal asking that that \$150,000,000 of capital structure be increased to \$350,000,000, and if we act favorably on this bill today I assume that some time between now and July 1 next the proposition will be put up here to continue the existence of this Corporation.

Mr. Speaker, I am not going to oppose the adoption of the rule, although I voted against the bill in committee. I do wish we could get a better bill and channel all this business through our private enterprise and outside the Federal Treasury. This operation, in my opinion, is unnecessary because I believe that the commercial banks of this country are in position to finance every sound loan for every small business in the United States, and if they are, they should do it. The Federal Treasury is now too heavily burdened.

Mr. MICHENER. Will the gentleman yield?

Mr. CRAWFORD. I yield to the gentleman from Michigan.

Mr. MICHENER. In the Rules Committee we were advised by the members of the gentleman's committee asking for the rule that these loans would only be made where private credit could not be obtained.

Mr. CRAWFORD. The hearings will show quite a bit to the effect that the Smaller War Plants Corporation requests applicants who make application for loan to apply to their local bank. I have not personally been convinced that a company cannot get a loan from the Smaller War Plants Corporation until it first shows that it cannot obtain loans from other lending agencies. If the situation is such that the Smaller War Plants Corporation will not make a loan to an industry except where that industry cannot obtain credit from some other lending agency, that is a situation which I personally feel the banking industry of this country could and should correct unless the banking industry is now ready for the Government to take over the lending functions and the credit-creating functions in the United States.

Mr. MICHENER. In the hearings, on page 9, the chairman of the Committee on Banking and Currency asked Mr. Maverick, the Administrator of this agency, the following question:

Do you make it a condition that if the applicant can obtain a loan under as favorable circumstances from a bank, you will not make it?

Mr. MAVERICK. We always do that. We give the bank the first shot at it.

That made it very clear to the Rules Committee that loans were only made when they could not be secured from local sources. I asked an additional question. The rate of interest under this Agency is 4 percent. I asked, assuming that a local corporation can get a loan at a local bank for 5 percent, which is the

bank rate, and he can get the same loan at 4 percent from this Agency, would he be given the loan by the Agency because of the difference in the rate? Because the rate was more favorable? The answer was "No." In other words, if this loan could be obtained from the local bank, even at a higher rate of interest than the agency would not furnish the money.

Mr. CRAWFORD. Let us take the testimony appearing on page 9. The chairman asked:

Do you make it a condition that if the applicant can obtain a loan under as favorable circumstances from a bank, you will not make it?

Mr. MAVERICK. We always do that.

Suppose applicant A goes to the Smaller War Plants Corporation and says, "I want a loan at 4 percent," and the Smaller War Plants Corporation says, "We will not make you a loan if you can get it from your local bank." He goes to his local bank and the local bank says, "We will make a loan at 5 percent." Now, that is not under as favorable conditions. That is a case where Government funds will be put into a community to directly compete with the local institution.

The point I wish to emphasize is this: If the banking industry of this country has reached the point where it prefers to have Government agencies do the lending and put the banking industry out of business, then let the bankers of the country come before our committee and say so. If they have not reached that point, I ask why do the bankers not appear before our committee on issues of this kind? You will find where I raised that question in the hearings. We know what we receive from the bankers in protest against Government lending agencies. We know that banks primarily stand behind the Treasury in its selling of Government issues so that the Treasury can take the money and do these things.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. FISH. Mr. Speaker, I yield to the gentleman from Illinois [Mr. DIRKSEN] the balance of the time.

Mr. DIRKSEN. Mr. Speaker, let me point out one or two interesting things about the matter that is pending before us now. In the first place, this is in effect authorizing an appropriation of \$200,000,000. If you go back and examine the act whereby we created the Smaller War Plants Corporation, you find this rather interesting fact. We create the Corporation, authorize \$150,000,000 of capital stock, authorize the Secretary of the Treasury to subscribe for the stock, and then we authorize an appropriation to pay off the Secretary of the Treasury. So by increasing the amount from \$150,000,000 to \$350,000,000, what we are doing is authorizing an appropriation of \$200,000,000, for when all the stock has been issued, the Treasury must be reimbursed for the money which it makes available to this Corporation.

This whole corporate business is growing up as kind of a wilderness in the country. The best estimate I can get is that we now have 61 corporations.

They employ about 105,000 people. Their assets are \$23,000,000,000 and their lending power is now \$33,000,000,000. There is no man or men, no agency or committee in or out of Government that knows the limitations upon those corporations today. I think this whole field needs some careful exploration if we are going to get an adequate concept of how far we are going to go. Consider the Smaller War Plants Corporation. It has tremendous power. First, it is empowered to loan money; secondly, it also has authority to buy land, build structures, and to turn them over to the smaller war contractors. Here is an agency, then, that becomes a tremendous loaning agency of money directly on the part of the Government, and in the post-war period when the demand is heavy, it may go far beyond \$350,000,000.

The objection I have to that approach to the matter is this: I recognize that small contractors and small-business enterprises need help, but why can we not make it possible for them to get help at the "grass root" level, as the gentleman from Michigan [Mr. CRAWFORD] so well explained. If there is any difficulty, why not insure those loans like the Federal Housing Administrator insures loans for the building or purchase of homes. Let a small businessman go to the First National Bank in the city of Pekin, where I live, or any other city, and make an application for a \$10,000 small-business loan or for some other amount. If Uncle Sam insures it, takes the larger element of the risk, and the bank takes the smaller element, several things happen. In the first place, the great quantity of money in the country is going to be syphoned off in enterprises that will provide jobs which is one of those imperative things in the post-war period. Secondly, it seems to me that we should reduce to some extent the labyrinthian structure of government that is building up constantly, and so we kill two birds with one stone when we do that. This approach keeps it at the "grass root" level, where it ought to be.

This whole structure of government corporations—some of which has been created by Executive order, some by statute, some chartered under the laws of States like Delaware, like the Commodity Credit Corporation—is going to require a lot of exploration, because I am frank to confess to the Congress and to the country publicly that I for one have no adequate information on the power and the responsibility and the limitations on this great wealth of corporations that has grown up as an appendage of government.

Certainly a far happier approach would be to let the small businessman in the little town or in the big town deal with the finance institution whom he knows and with whom he has been dealing for a long time, on an insured basis. Then you will take the Government out of the field of direct lending.

I do not in the circumstances oppose enactment of the pending bill, but this is going to set a great precedent. It will go further and further in other fields, and so this great monster of government

competition is going to be aggravated by action on our part unless we revamp the present approach and develop a system for aid to small-business enterprises by means of loans at the local level, insured by the Federal Government.

I have found our former colleague, Mr. Maverick, Chairman of the Smaller War Plants Corporation, genuinely cooperative and helpful. He has the requisite energy and sympathy to make this program work if anyone can.

Nor do I find fault with the purposes and objectives of the Smaller War Plants Corporation. It is what the name implies—a corporation to aid smaller business establishments in finding their proper place in the war effort. The larger problem before us is the question of how aid to small business enterprises shall be handled and administered in the days that lie ahead. Here then, we come back to a basic problem, and I am of the opinion that a program for small business aid, where they can deal with the credit institutions in their own localities and get credit which is insured by Government in the same manner that the Federal Housing Administration now insures housing loans, is the better and sounder approach.

It would make it unnecessary for the operators of small business enterprises to come to Washington and experience delay in having their needs fulfilled. It would substantially diminish the operating cost of the program. It keeps business at the grass-roots level. It is more in conformity with the basic American theory of free private enterprise.

Now it may be said that insuring a mortgage on a home is not like insuring a business loan. To that I would reply that we have authorized the F. H. A. to insure mortgage loans on large-scale rental projects which are very essentially business enterprises, so why would it not be practicable to insure loans to small business enterprises, thereby diminishing the growing competition of Government with private enterprise? To this matter, the Banking Committee should address its efforts in the days ahead in the hope that an acceptable program might be enacted.

Let me add one further thought. This year, the Congress enacted the so-called G. I. bill of rights which among other things provides guaranteed loans to veterans of the present war for the purpose of purchasing businesses and business property. We need but continue this general theory of insured loans to other business enterprises of the Nation and we shall be upon reasonably sound ground.

Mr. SABATH. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, answering my colleague from Illinois [Mr. DIRKSEN], a very able and hard-working Member of this House, I know he appreciates and recognizes and is informed as to why the Government was obliged to create the lending agencies. He knows that nearly all the banks were not solvent in 1932, and that applied to insurance companies, railroads, municipalities, and most businesses. Therefore, it became necessary for Congress, and Congress in its wisdom authorized the original lending agency;

in order to save the country, and later, naturally, due to the demand for other agencies and the need having been created, it was continued.

I also am of the opinion that we should not interfere with the business and profits of the banks. The big businessman can get money at 2 to 3 percent, but the little man has to pay 5 and 6 percent to the bankers. Nevertheless, I feel that the security that is given by the little fellow is as good as the security given by the big corporation that is obtaining loans running up to millions of dollars.

We should not be so much interested in the banks. All of them have plenty of money and they are making money, and I am glad of it. But personally I feel that we should not force the little fellow to go to the bank in his own city and be forced to pay it 6 percent, if we have an agency that can let him have the money at 4 percent. That has been a mistake on the part of the Congress at times in enacting legislation authorizing loans to be made and then insured. That means again adding an additional cost to the borrower on his loan. Let us eliminate it as much as possible, for the small fellow. My aim is to help him obtain his loan at as reasonable a rate of interest as the big man obtains his loans from the big banks or from the Reconstruction Finance Corporation.

Mr. DIRKSEN. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield to my colleague.

Mr. DIRKSEN. Of course, I recognize the need for aid, but it looks to me as if it would be much easier for the small borrower to deal at arm's length with someone in his home town than to have to come here to Washington and go through all the process of government.

Mr. SABATH. I agree with the gentleman, but unfortunately, due to the fact that from 1929, and the gentleman knows this to be the fact, when the little banks were depleted by the loans which they made to the Wall Street speculators and the New York bankers, not because of their own mismanagement but because they were misled by those gentlemen in also being made a party to these great loans, in that way Wall Street and the New York bankers forced upon the small bankers a lot of worthless loans and securities which brought about bankruptcy and ruin to many of these little banks. Therefore, they are careful and I am very glad that they are, but instead of making loans as they did heretofore on the fair reputation of an individual, on a man's standing and experience, and on his ability to repay, they want his right arm and an eye and everything else, and then charge him not only 6 percent interest but also additional commission and service charges. He is obliged to give them a mortgage on everything he has, and in many cases, even his insurance. I am surprised that they do not demand also a transfer of the rights and interests that he may have in his wife and children, and I imagine in some cases, they would be willing to do that.

Mr. Speaker, as has been stated, it has been the policy of the Smaller War Plants Corporation before making a loan

to require the borrower to make application for a loan to a banker and from his locality, and not until the Corporation is satisfied that the loan cannot be obtained by the small manufacturer from his banker will they make a loan. Further, the Corporation gives the bank an opportunity to participate in the loan. Surely there cannot be any just complaint on the part of the local banker in whom the gentleman from Michigan [Mr. CRAWFORD] who preceded the gentleman from Illinois [Mr. DIRKSEN] seemed to be so very much concerned that the loan should be made by the local bank.

The SPEAKER. The gentleman from Illinois has consumed 5 minutes.

Mr. SABATH. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

(Mr. DIRKSEN asked and received permission to revise and extend his remarks.)

FEDERAL-AID ROAD ACT

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented to authorize appropriation for the post-war construction of highways and bridges to eliminate hazards at railroad grade crossings, to provide for the immediate preparation of plans and acquisitions of rights-of-way and for other purposes, insist upon the amendment of the House, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Utah? [After a pause.] The Chair hears none and appoints the following conferees: Mr. ROBINSON of Utah, Mr. WHITTINGTON, Mr. RANDOLPH, Mr. PETERSON of Georgia, Mr. WOLCOTT, Mr. MOTT, and Mr. CUNNINGHAM.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD in three instances; in one instance to include a speech delivered by the Honorable James F. Byrnes in October, and in the other, an address delivered by Hon. Henry Morgenthau, Jr., Secretary of the Treasury. The former speech is in excess of the amount allowed under the rule, and the amount is \$130.

The SPEAKER. Notwithstanding, and without objection, the extension may be made.

There was no objection.

[The matter referred to appears in the Appendix.]

TO INCREASE CAPITAL STOCK OF SMALLER WAR PLANTS CORPORATION

Mr. SPENCE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union, for the consideration of the bill (S. 2004) to amend the act entitled "An act to mobilize the productive facilities of small business in the interests of successful prosecution of the

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FEDERAL-AID HIGHWAY ACT OF 1944

December 11, 1944.—Ordered to be printed

Mr. Robinson, of Utah, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany S. 2105]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That, when used in this Act, unless the context indicates otherwise—

The term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping, costs of rights-of-way, and elimination of hazards of railway-grade crossings.

The term "urban area" means an area including and adjacent to a municipality or other urban place, of five thousand or more, the population of such included municipality or other urban place to be determined by the latest available Federal census. The boundaries of urban areas, as defined herein, will be fixed by the State highway department of each State subject to the approval of the Public Roads Administration.

The term "rural areas" means all areas of the State not included in "urban areas".

The term "secondary and feeder roads" means roads in rural areas, including farm-to-market roads, rural-mail routes, and school-bus routes, and not on the Federal-aid system.

SEC. 2. For the purpose of carrying out the provisions of the Federal Highway Act, approved November 9, 1921, as amended and supplemented, there is hereby authorized to be appropriated the sum of \$1,500,000,000 to become available at the rate of \$500,000,000 a year for each of three successive post-war fiscal years: Provided, That of the sums authorized to be appropriated for the first of such fiscal years \$100,000,000 may be appropriated in accordance with the provisions of this Act to become available immediately upon apportionment of the authorization for said fiscal year for the making of surveys and plans and for construction: Provided further, That except for the sum appropriated pursuant to the preceding proviso, no part of the funds made available pursuant to this Act shall be used to pay costs incurred under any construction contract entered into by any State before the beginning of the first post-war fiscal year. The first post-war fiscal year shall be that fiscal year which ends on June 30th following the date proclaimed by the President as the termination of the existing war emergency, or following the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination, or following the date on which the Congress by a concurrent resolution of the two Houses finds as a fact that the war emergency hereinbefore referred to has been relieved to an extent that will justify proceeding with the highway construction program provided for by this Act, whichever date is the earliest. The authorization for the first post-war fiscal year shall be apportioned among the States within thirty days from the passage of this Act. The authorization for the second post-war fiscal year shall be apportioned among the States within twelve months after the date of such termination or finding as above specified, and the authorization for the third post-war fiscal year shall be apportioned among the States within twelve months after the apportionment of the authorization for the second post-war fiscal year. As soon as the funds for each of the post-war fiscal years have been apportioned, the Commissioner of Public Roads is authorized to enter into agreements with the State highway departments for the making of surveys and plans, the acquisition of rights-of-way, and the post-war construction of projects. His approval of any such agreement shall be a contractual obligation of the Federal Government for the payment of its pro rata share of the cost of construction: Provided, however, That the Commissioner of Public Roads shall not, as a condition of approval of any project for Federal aid hereunder, require any State to acquire title to, or control of, any marginal land along the proposed highway in addition to that reasonably necessary for road surfaces, median strips, gutters, ditches, and side slopes and sufficient width to provide service roads for adjacent property to permit safe access at controlled locations in order to expedite traffic, promote safety, and minimize roadside parking.

SEC. 3. The sum authorized in section 2 for each year shall be available for expenditures as follows:

(a) \$225,000,000 for projects on the Federal-aid highway system.

(b) \$150,000,000 for projects on the principal secondary and feeder roads, including farm-to-market roads, rural free delivery mail and public-school bus routes, either outside of municipalities or inside of municipalities of less than five thousand population: Provided, That these funds shall be expended on a system of such roads selected by the State highway departments in cooperation with the county supervisors, county commissioners, or other appropriate local road officials and the Commissioner of Public Roads: Provided further, That in any State having a population density of more than two hundred per square mile,

as shown by the latest available Federal census, the said system may be selected by the State highway department with the approval of the Commissioner of Public Roads without regard to included municipal boundaries: Provided further, That any of such funds for secondary and feeder roads which are apportioned to a State in which all public roads and highways are under the control and supervision of the State highway department may, if the State highway department and the Commissioner of Public Roads jointly agree that such funds are not needed for secondary and feeder roads, be expended for projects in such State on the Federal-aid highway system.

(c) \$125,000,000 for projects on the Federal-aid highway system in urban areas.

SEC. 4. After making the deductions for administration, research, and investigations as provided in section 21 of the Federal Highway Act of 1921, the sums authorized shall be apportioned as follows:

(a) The \$225,000,000 per year available for projects on the Federal-aid highway system shall be apportioned among the States as provided in section 21 of the Federal Highway Act.

(b) The \$150,000,000 per year available for projects on the secondary and feeder roads shall be apportioned among the States in the following manner: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the rural population of each State bears to the total rural population of all the States, as shown by the Federal census of 1940; and one-third in the ratio which the mileage of rural delivery and star routes in each State bears to the total mileage of rural delivery and star routes in all the States: Provided, That no State shall receive less than one-half of one per centum of each year's allotment under subsection (a) and this subsection.

(c) The \$125,000,000 per year available for projects on highways in urban areas shall be apportioned among the States in the ratio which the population in municipalities and other urban places, of five thousand or more, in each State bears to the total population in municipalities and other urban places, of five thousand or more, in all the States as shown by the latest available Federal census: Provided, That Connecticut and Vermont towns shall be considered municipalities regardless of their incorporated status.

(d) Any sums apportioned to any State under the provisions of this section shall be available for expenditure in that State for one year after the close of the fiscal year for which such sums are authorized, and any amount so apportioned remaining unexpended at the end of such period shall lapse: Provided, That such funds shall be deemed to have been expended if covered by formal agreement with the Commissioner of Public Roads for the improvement of a specific project as provided by this Act.

SEC. 5. (a) The Federal share payable on account of any project provided for by the funds made available under the foregoing provisions of this Act shall not exceed 50 per centum of the construction cost thereof other than costs of rights-of-way, and as to costs of rights-of-way shall not exceed one-third of such costs: Provided, That in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein the Federal share shall be increased in each of the three post-war years by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area: Provided further, That the entire construction cost of projects for the

elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from Federal funds, except that not more than 50 per centum of the right-of-way and property damage costs, paid from public funds, on any such project, may be paid from Federal funds: Provided further, That not more than 10 per centum of the sums apportioned to any State under the terms of this Act for each of such post-war fiscal years shall be used for such railway-highway projects, to be expended in accordance with the Federal Highway Act, as amended and supplemented, and the provisions of this section.

(b) Any railway involved in any project for the elimination of hazards of railway-highway crossings paid for in whole or in part from funds made available under this Act, shall be liable to the United States for a sum bearing the same ratio to the net benefit received by such railway from such project that the Federal funds expended on such project bear to the total cost of such project. For the purposes of this subsection, the net benefit received by a railway from any such project shall be deemed to be the amount by which the reasonable value of the total benefits received by it from such project exceeds the amount paid by it (including the reasonable value of any property rights contributed by it) toward the cost of such project; and in no case shall the total benefits to any railway or railways be deemed to have a reasonable value in excess of 10 per centum of the cost of any such project. The liability of any railway to the United States with respect to any such project may be discharged by paying to the United States, within six months after the completion of such project, such amount as the Commissioner of Public Roads determines to be the amount of such liability. Any such determination of the Commissioner shall be made on the basis of recommendations made to him by the State highway department and on the basis of such other information and investigation, if any, as the Commissioner deems necessary or proper. If any such railway has failed so to discharge its liability to the United States with respect to any project within six months after the completion thereof, the Commissioner of Public Roads shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railway is liable for in the premises. Any amounts paid to or recovered by the United States under this subsection shall be covered into the Treasury as miscellaneous receipts.

SEC. 6. If the Commissioner of Public Roads shall determine that it is necessary for the expeditious completion of projects undertaken pursuant to this Act, he may advance to any State from funds heretofore or hereafter made available the Federal share of the cost thereof to enable the State highway department to make prompt payments for work as it progresses: Provided, That such State, after June 30, 1945, does not divert to other than highway uses road user revenues in violation of section 12 of the Highway Act of June 18, 1934. The funds so advanced shall be deposited in a special trust account by the State treasurer, or other State official authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State

highway department for work actually performed in accordance with plans, specifications, and estimates approved by the Public Roads Administration under the provisions of this Act. Any unexpended balances of funds so advanced shall be returned to the credit of the appropriation from which the funds have been advanced: Provided, That any advance made to any State under the provisions of this section and not repaid shall be deducted from any apportionment allocated to such State under the provisions of this Act for the year next succeeding the year in which such advance is made, and no agreement made in accordance with the provisions of section 2 of this Act shall be valid for any pro rata share of the cost of construction in excess of such apportionment less such advance.

SEC. 7. There shall be designated within the continental United States a National System of Interstate Highways not exceeding forty thousand miles in total extent so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of the National System of Interstate Highways shall be selected by joint action of the State highway departments of each State and the adjoining States, as provided by the Federal Highway Act of November 9, 1921, for the selection of the Federal-aid system. All highways or routes included in the National System of Interstate Highways as finally approved, if not already included in the Federal-aid highway system, shall be added to said system without regard to any mileage limitation.

SEC. 8. With the approval of the Federal Works Administrator, not to exceed $1\frac{1}{2}$ per centum of the amount apportioned for any year to any State under the Federal Highway Act, as amended and supplemented, except sections 3 and 23 thereof, shall hereafter be used with or without State funds for surveys, plans, engineering, and economic investigations of projects for future construction in such State, on the Federal-aid highway system and extensions thereof within municipalities, on secondary or feeder roads, urban highways or grade-crossing eliminations, and for highway research necessary in connection therewith.

SEC. 9. For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), as amended and supplemented, there is hereby authorized to be appropriated (1) for forest highways the sum of \$25,000,000 for the first post-war fiscal year and a like amount for each of the second and third post-war fiscal years; and (2) for forest development roads and trails the sum of \$12,500,000 for the first post-war fiscal year and a like amount for each of the second and third post-war fiscal years: Provided, That the apportionment for forest highways in Alaska shall be for each year \$1,500,000 and that such additional amount as otherwise would have been apportioned to Alaska for each of said years shall be apportioned among those States, including Puerto Rico, whose forest highway apportionment for such year otherwise would be less than 1 per centum of the entire apportionment for forest highways for that year.

SEC. 10. (a) For the construction, reconstruction, improvement, and maintenance of roads and trails, inclusive of necessary bridges, in national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended, there is

hereby authorized to be appropriated the sum of \$12,750,000, to become available at the rate of \$4,250,000 a year for each of the three successive post-war fiscal years.

(b) For the construction and maintenance of parkways, to give access to national parks and national monuments, or to become connecting sections of a national parkway plan, over lands to which title has been transferred to the United States by the States or by private individuals, there is hereby authorized to be appropriated the sum of \$30,000,000, to become available at the rate of \$10,000,000 a year for each of the three successive post-war fiscal years.

(c) For the construction, improvement, and maintenance of Indian reservation roads and bridges and roads and bridges to provide access to Indian reservations and Indian lands under the provisions of the Act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of \$6,000,000 for the first post-war fiscal year and a like amount for each of the second and third post-war fiscal years: Provided, That the location, type, and design of all roads and bridges constructed shall be approved by the Public Roads Administration before any expenditures are made thereon, and all such construction shall be under the general supervision of the Public Roads Administration.

SEC. 11. Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to an airport (if such airport has been constructed or extended after the date of enactment of this Act), or for the reconstruction or relocation of any highway which has been or may be closed or the usefulness of which has been or may be impaired by the location or construction of any airport (if such airport has been constructed or extended after the date of enactment of this Act), unless, prior to such extension or construction, as the case may be, the State highway department and the Public Roads Administration have concurred with the officials in charge of the airport that the location of such airport or extension thereof and the consequent reconstruction or relocation of the highway are in the public interest.

SEC. 12. On any highway or street hereafter constructed with Federal aid in any State, the location, form, and character of informational, regulatory, and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority, or other agency, shall be subject to the approval of the State highway department with the concurrence of the Public Roads Administration; and the Commissioner of Public Roads is hereby directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

SEC. 13. If any section, subsection, or other provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such section, subsection, or other provision to other persons or circumstances shall not be affected thereby.

SEC. 14. *This Act may be cited as the "Federal-Aid Highway Act of 1944".*

And the House agree to the same.

J. W. ROBINSON,
WILL M. WHITTINGTON,
JENNINGS RANDOLPH
JESSE P. WOLCOTT,
JAMES W. MOTT,
HUGH PETERSON,
PAUL CUNNINGHAM,

Managers on the part of the House.

KENNETH McKELLAR,
CARL HAYDEN,
JOSIAH W. BAILEY,
CLYDE M. REED,
WILLIAM LANGER,

Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House struck out all after the enacting clause of the Senate bill and inserted in lieu thereof an amendment which was a complete substitute for the text of the Senate bill. However, the provisions of the Senate bill and the House amendment were in large part identical. The following statement indicates the differences between the Senate bill and the House amendment and the action of the conferees with respect to these differences.

Section 1 of the Senate bill defined the term "construction" so as to exclude the costs of rights-of-way. The effect of this exclusion was to prevent the use of Federal funds to pay any part of the costs of rights-of-way for highway projects undertaken under the bill. The House amendment defined the term "construction" so as to include costs of rights-of-way. The effect of this, under the bill, was to permit Federal funds to be used to pay 50 percent of the costs of rights-of-way as well as 50 percent of the other costs for highway projects. The conference agreement follows the House amendment in the definition of the term "construction", however the language of section 5 is modified to provide that, while Federal funds may be used to pay up to 50 percent of the costs other than the costs of rights-of-way, such funds may not be used to pay more than one-third of the cost of rights-of-way. 11C

The Senate bill defined the term "urban area" so as to include urban places other than municipalities. The House amendment omitted the reference to such other urban places. The conference agreement follows the Senate bill in this respect. This has the effect of including along with incorporated municipalities certain other densely populated areas of 5,000 or more persons which are recognized by the Bureau of the Census as urban areas. The House amendment also made a technical change in the definition of the term "urban area" which is retained in the conference agreement.

Section 2 of the Senate bill authorized the appropriation of \$450,000,000 for each of three successive post-war fiscal years. The corresponding amount authorized to be appropriated by the House amendment was \$500,000,000 for each of such years. The conference agreement follows the House amendment with respect to these amounts. Under the Senate bill the first year for which the funds would be available would be that fiscal year ending on June 30,

following the termination of the present war emergency, except that \$100,000,000 could be appropriated to be available immediately. Under the House amendment the first year for which the funds would be available would be the fiscal year ending June 30, 1945. In both cases, it was provided that the first year might be as otherwise directed by the Congress. The conference agreement follows the Senate bill in this respect, except that it is specified that the termination of the war emergency may be proclaimed by the President or declared in a concurrent resolution of the two Houses of Congress, and it is also provided that the funds may become available when the Congress by concurrent resolution of the two Houses finds as a fact that the war emergency has been relieved to an extent that will justify proceeding with the highway program. The conference agreement also retains a provision of the Senate bill which provided that no part of the funds made available under the act, except the \$100,000,000 which is to become immediately available, should be used to pay costs incurred under contracts entered into by the States before the beginning of the first post-war fiscal year.

The provision of the House amendment, which was not in the Senate bill, prohibiting the Commissioner of Public Roads from requiring the States to acquire excess marginal land along proposed highways is retained in the conference agreement with a modification which permits requiring the acquisition of sufficient land to provide service roads to permit safe access to highways.

Section 3 of the conference agreement follows the House amendment in providing \$225,000,000 for each year for projects on the Federal-aid highway system, rather than \$200,000,000 as was provided in the Senate bill, and in providing \$150,000,000 for each year for projects on secondary and feeder roads, rather than \$125,000,000 as was provided in the Senate bill.

Section 4 of the conference agreement provides that of the funds available for projects on the Federal-aid highway system outside of urban areas, and of the funds available for projects on secondary and feeder roads, no State shall receive less than one-half of 1 percent. The conference agreement also follows the House amendment in omitting the definition of the term "State" which specifically included the District of Columbia, Hawaii, and Puerto Rico, as they will share in the funds made available by the act on the same basis as if they were States by reason of provisions of existing law. The conference agreement makes a technical change which provides that funds apportioned under the act shall be available for expenditure for 1 year after the close of the year for which they are authorized, rather than 2 years after the date of apportionment.

Section 5 of the conference agreement, as indicated above, provides that not more than 50 percent of the construction costs of highway projects other than costs of rights-of-way may be paid from Federal funds, and as to cost of rights-of-way not more than one-third of such cost. There were also a number of differences between the provisions of this section in the Senate bill and the House amendment relating to projects for the elimination of hazards at railway-highway crossings. The Senate bill provided that not less than 10 percent of the funds apportioned to any State should be available for such projects. The House amendment provided that not more than 15 percent of such sums should be used for such projects. The conference agreement

provides that not more than 10 percent of such funds shall be so used. Under the Senate bill any part of the construction cost of such projects could be paid from Federal funds, except that no Federal funds could be used to pay for rights-of-way and the railway involved in any such project was required to pay not less than 15 percent of the construction cost. The House amendment provided that the entire construction cost of such projects could be paid from Federal funds, except that not more than 50 percent of the right-of-way and property damage costs, paid from public funds, could be paid from Federal funds. The conference agreement follows the House provisions in this respect except as to the requirement relating to contributions by the railways involved. Instead of providing that the contributions by the railways should be a condition upon the expenditure of Federal funds for railway-highway projects, as did the Senate bill, the conference agreement provides that such projects may be proceeded with and constructed, whether or not the railways have agreed to pay any part of the cost, and that a share of the costs will be subsequently collected from the railway. The amount which the railway will be required to pay is to be measured by the benefits received by the railway, in no case to exceed 10 percent of the cost of the project. The railway may discharge its liability with respect to any such project by paying the amount which the Commissioner of Public Roads determines to be the amount for which it is liable under this provision. If the railway does not elect to pay the amount so determined by the Commissioner, suit may be brought against the railway by the United States for the recovery of the amount which it is required to pay under this provision. In the court proceedings, the court would be free to determine the benefits to the railway and would in nowise be bound by the determination of the Commissioner.

The conference agreement omits the provisions of the Senate bill, which were not contained in the House amendment, providing that under certain specified circumstances Federal funds should be made available without matching to States which were unable to match the Federal funds.

Section 6 of the House amendment contained a provision, which was not in the Senate bill, providing that advances under the section should not be made to States which had diverted taxes intended for highway purposes to other uses. This provision is retained in the conference agreement in a modified form which will permit advances to be made if the State, after June 30, 1945, does not divert more of its revenues derived from road users to other than highway uses than is permitted by section 12 of the Highway Act of June 18, 1934. The provision contained in this section of the House amendment relating to the deduction from State apportionments with respect to advances made under the section is retained in the conference agreement with a clarifying change.

Section 7 of the conference agreement follows the House bill in designating the system of highways contemplated by the section as the National System of Interstate Highways.

Section 10 of the conference agreement follows the House bill in authorizing the appropriation of \$30,000,000 for parkways, rather than \$15,000,000 as was provided by the Senate bill. The conference agreement also retains (as section 10 (c)), with technical changes,

the provisions of section 11 of the House amendment authorizing the appropriation of funds for Indian reservation roads and bridges and roads and bridges to provide access to Indian reservations and Indian lands.

Section 11 of the conference agreement is a modification of section 11 of the Senate bill. The House amendment contained no comparable provision. This section, as retained in the conference agreement, provides that Federal funds shall not be used for the reconstruction or relocation of highways giving access to airports, or highways which have been closed or had their usefulness impaired by the location of airports, if such airports are hereafter constructed or extended, unless prior to such extension or construction the State highway department and the Public Roads Administration have concurred in the location of such airport or extension.

Section 12 of the conference agreement, relating to the regulation of signs on highways and streets hereafter constructed with Federal aid, follows the provisions of this section of the House amendment, which made a number of technical changes in the corresponding section of the Senate bill.

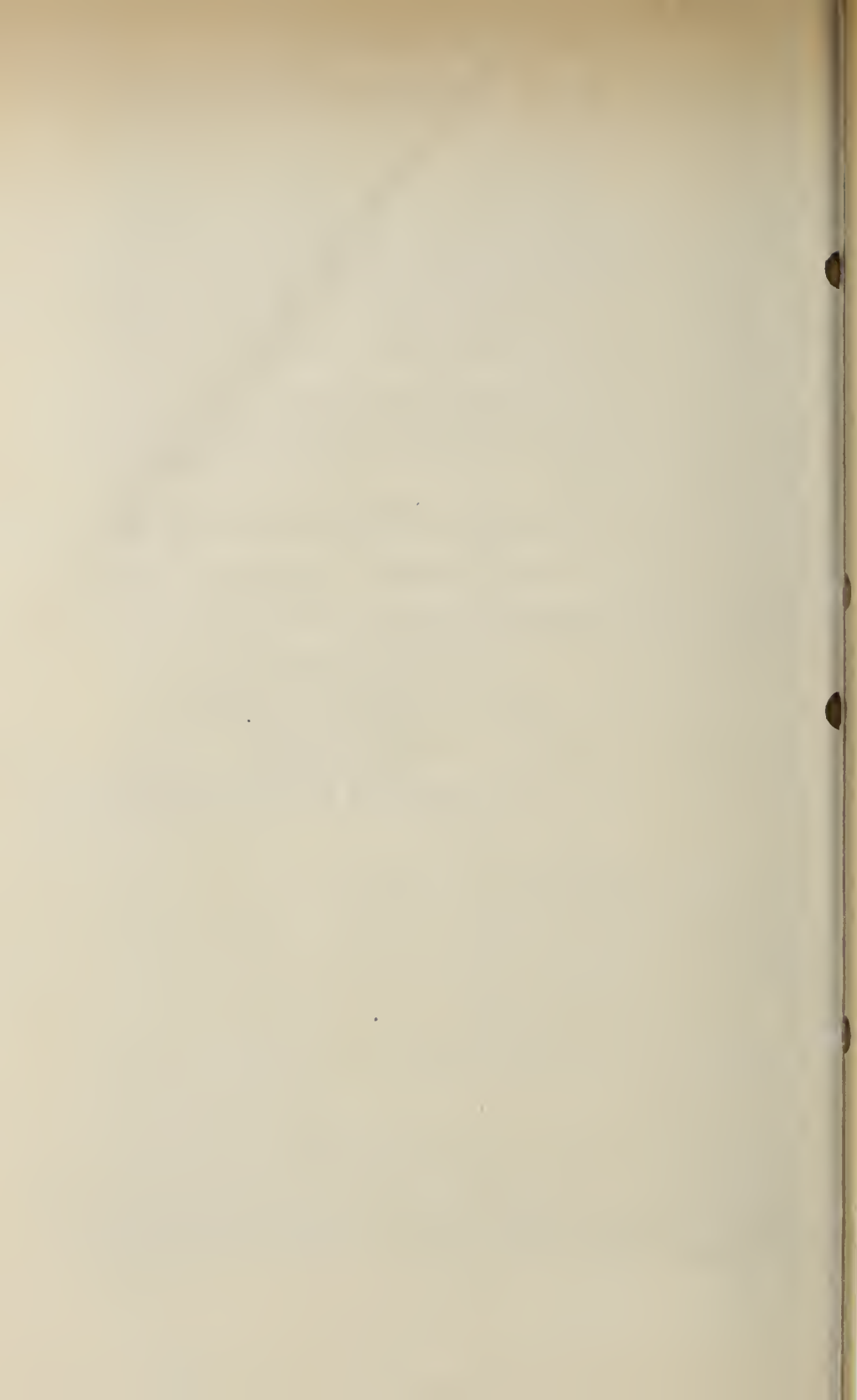
The conference agreement omits section 13 of the Senate bill imposing certain restrictions upon the location of new bridges near existing toll bridges.

Section 13 of the conference agreement contains the ordinary separability clause.

Section 14 of the conference agreement contains a short title for the act.

J. W. ROBINSON,
WILL M. WHITTINGTON,
JENNINGS RANDOLPH,
HUGH PETERSON,
JAMES W. MOTT,
PAUL CUNNINGHAM,
Managers on the part of the House.





PHOENIX, ARIZ., December 9, 1944.
The Honorable COMPTON WHITE,
Chairman,
Reclamation Irrigation Committee,
House of Representatives,
Washington, D. C.:

As representatives of bargaining unit Salt River project we greatly appreciate the aid you have given to reclamation farmers of this valley in your support of H. R. 4932. We are very hopeful of enactment of this bill.

HAINES JACKSON,
Business Agent,
Local B-266, I. B. E. W., A. F. L.

PHOENIX, ARIZ., December 9, 1944.
The Honorable COMPTON WHITE,
Chairman,
Reclamation Irrigation Committee,
House of Representatives,
Washington, D. C.:

Thank you for favorable report by your committee H. R. 4932. Approval of this bill by House will be a great help to reclamation and will give farmers of Salt River project protection in their efforts to liquidate their reclamation debts as intended when Reclamation Act was adopted.

W. M. SCOTT,
President, Salt River Project,
Agricultural Improvement and Power District.

PHOENIX, ARIZ., December 9, 1944.
The Honorable COMPTON WHITE,
Chairman, Reclamation Irrigation Committee,
House of Representatives,
Washington, D. C.:

We appreciate your great help to cause of reclamation through support of H. R. 4932.

J. L. DAWSON,
President, New State Irrigation
and Drainage District.

PHOENIX, ARIZ., December 9, 1944.
Hon. COMPTON WHITE,
Chairman, Reclamation Irrigation Committee,
House of Representatives,
Washington, D. C.:

Urgently request your aid in passing H. R. 4932. This bill of vital importance, particularly to all farmers and in general to all residents in the Salt River Valley.

H. J. COERVER,
President, First National Bank of Arizona.

PHOENIX, ARIZ., December 9, 1944.
Hon. COMPTON WHITE,
Chairman, Reclamation Irrigation Committee,
House of Representatives,
Washington, D. C.:

We urge your strong support for passage of House bill H. R. 4932. Passage of this bill is of utmost importance for the benefit of farmers of this area. Farming is the vital industry of the Salt River Valley and an overwhelming majority of the people in Phoenix, Ariz., and the Salt River Valley are strongly in favor of the passage of this bill.

JOE C. HALDIMAN,
VERLAND M. PALDAMAN,
CHAS. G. SULLIVAN,
RALPH A. CASH.

PHOENIX, ARIZ., December 9, 1944.
The Honorable COMPTON WHITE,
Chairman, Reclamation Irrigation Committee,
House of Representatives,
Washington, D. C.:

I am a pioneer of the Salt River project and appreciate with my neighbors the splendid help your Irrigation Committee is giving us through support of H. R. 4932. We must have the help that the passage of this bill will give if we are to continue as a successful project.

C. T. THOMPSON,

Mr. MURDOCK. I call attention to the fact that title to the Roosevelt Dam and the four other storage dams, with all the accompanying power plants, rests in the United States and the sale of surplus power revenue goes to the repayment of that debt. It is not profit. The present worth of that plant, not counting the land in the Salt River Valley, is between \$45,000,000 and \$50,000,000. Less than \$20,000,000 of that has been put up in the first place by the United States Government. Most of the money that has been put up by the Government has been repaid. That is being repaid—and the other bonded indebtedness—by the sale of power from these power plants. True, the farmers have been reducing their cost of water by applying the income from some of this surplus power sold, but that is true of all other irrigation projects.

This particular project in Arizona, being old and formed under a different law, comes into a special class and is being discriminated against by this tax. Therefore, unless some relief is granted in this case, these 14,000 stockholders and farmers in the Salt River Valley will be assessed taxes which the law never intended they should be asked to pay.

Mr. HARLESS of Arizona. Mr. Speaker, if the gentleman will yield, I just want to say to my colleague, the distinguished gentleman from Tennessee, that this is not truly a tax suit; this is merely clarifying the position of an irrigation project.

Mr. COOPER. But if it is not a tax suit, how did it get into the United States Tax Court? That is the only jurisdiction it has.

Mr. HARLESS of Arizona. This happens to be the oldest irrigation project in the United States. It was established before they had a reclamation law. Therefore, it was necessary that it be established as a private corporation. Now, all the other projects are getting exemption from taxation from the sale of power to apply to the cost of producing and putting the water on the land, and just because this project happens to have been established before they had the reclamation law, it is discriminated against. In other words, it is said that it is a private corporation, and they impose, or are attempting to impose, I think, contrary to the intent of the law, an income tax on it. This merely puts this project in the same class as all the other projects.

Mr. COOPER. Mr. Speaker, practically all I know about this matter is what I gather from the bill and the committee report on the bill. The report shows that, if this was an irrigation district like all the others, it would come under section 101 of the Internal Revenue Code. This is an irrigation association. There is a distinction, and the Bureau of Internal Revenue has assessed the tax. Now the question is pending in the Tax Court. I do not think it is safe for the Congress to step in and decide the question that is now pending in the Tax Court.

Mr. MURDOCK. Mr. Speaker, the reason that the Arizona project is an association instead of a district is that it was organized back in 1903 at a time

when Arizona was not yet a State, and we had no laws for the establishment of districts. If it were a district, it would be exempt, but it would not be to the interest of the association or the Government itself for these farmers to reorganize as a district.

Mr. BARDEN. Mr. Speaker, I think it is very clear that this bill should not be passed now and that it should be discussed further by the gentlemen who are now discussing the bill on the floor. Therefore, Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

TRIBAL FUNDS OF THE UTE INDIANS

The Clerk called the bill (H. R. 3507) to provide for the disposition of tribal funds of the Ute Indians or any of the tribes or bands of Utes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding any other provision of existing law, the tribal funds in the Treasury of the United States now on deposit or hereafter placed to the credit of any tribes or bands of the Ute Indians, or jointly to the credit of any of such tribes or bands with other such tribes or bands or Indians other than Utes, shall to the extent of the interest of the particular Ute tribe or band therein be available without specific appropriation by Congress for such purposes as may be designated by the tribal council of any such tribe or band and approved by the Secretary of the Interior.

With the following committee amendments:

On page 1, line 6, after the word "Indians", insert "organized under the act of June 18, 1934 (48 Stat. 984), as amended:

On page 2, line 5, insert the following:

"Sec. 2. Undistributed funds, now or hereafter accrued to, or held in trust for, the joint benefit of more than one band or tribe of the Ute Indians, may be apportioned by the Secretary of the Interior to the respective bands in such amounts as may be agreed upon by said bands or tribes, notwithstanding the provisions of any other existing statute. The Secretary of the Interior may prescribe the manner in which such agreement of the bands or tribes shall be manifested."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INDIANS OF FORT BERTHOLD RESERVATION, N. DAK.

The Clerk called the bill (S. 338) for the relief of the Indians of the Fort Berthold Reservation in North Dakota.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, in view of the fact that certain department heads have registered opposition to the bill, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

SHERMAN INSTITUTE, CALIFORNIA

The Clerk called the bill (S. 1580) an act to authorize the Secretary of the Interior to dispose of certain lands heretofore acquired for the nonreservation Indian boarding school known as Sherman Institute, California.

Mr. JENSEN. Mr. Speaker, reserving the right to object, will the chairman of the committee explain this bill?

Mr. O'CONNOR. Mr. Speaker, I yield to the gentleman from California [Mr. PHILLIPS] to explain the bill.

Mr. PHILLIPS. Mr. Speaker, Sherman Institute owns three parcels of land, one immediately surrounding the buildings; one of about 100 acres, which has been used up to this time for farming; and a small plot of about 10 acres which was bought for sewage disposal but never used for that purpose. The desire of the institute now is to sell the 100-acre plot and the 10-acre plot and use that money for the purchase of other land which is immediately available, and adjacent to the original property. It cannot be a direct exchange as one is privately owned and the other is owned by the institute. It must be done through purchase and sale as provided in this bill.

I know of no objection to the bill on the part of anyone familiar with the circumstances.

Mr. JENSEN. Mr. Speaker, would the gentleman say that this is the regular procedure? This does not set a precedent?

Mr. PHILLIPS. I see no reason why it should set a precedent unless similar circumstances came up in which Government land was to be sold in order to purchase land which thereupon became Government land. I see no reason for this setting a precedent.

Mr. O'CONNOR. This is not unusual procedure.

Mr. JENSEN. It is not? It has been done before?

Mr. O'CONNOR. It has been done before.

Mr. PHILLIPS. There is no other way in which the same results could be accomplished.

Mr. JENSEN. This does not give the Secretary of the Interior new authority?

Mr. PHILLIPS. It does not.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized in his discretion and subject to such terms and conditions as he may prescribe, to sell or exchange all or any part of those two certain tracts of land containing 10 acres and 100 acres more or less, respectively, heretofore acquired by the United States for the use of the nonreservation Indian boarding school known as Sherman Institute, Riverside, Calif., by deed dated August 30, 1900, from Frank A. Miller and Isabella D. Miller and by deed dated September 10, 1901, from George Frost, president of the Riverside Land Co. In effecting any sale or exchange hereunder the Secretary of the Interior is authorized to execute such deeds or other instruments as may be necessary to transfer the title to any land so sold or exchanged, and the proportionate share or shares of capital stock of the Riverside Water Co. evidencing the right of the lands so sold or ex-

changed to participate in the use of water furnished by said company for domestic and/or irrigation purposes. Any exchanges of land and/or water rights effected pursuant to this act shall be on an equal-value basis.

Sec. 2. That the proceeds derived from any sale made under authority of this act shall be deposited in the Treasury of the United States as school revenues, pursuant to the act of May 27, 1926 (44 Stat. 560), and shall be available in the discretion of the Secretary of the Interior for the purchase of other lands for the use of said Sherman Institute, including the water right or shares of water stock representing the right of the lands so purchased to the use of water for irrigation and/or domestic purposes.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INDIAN LANDS FOR THE GRAND COULEE DAM AND RESERVOIR

The Clerk called the bill (S. 1597) to amend section 1, act of June 29, 1943 (54 Stat. 703), for the acquisition of Indian lands for the Grand Coulee Dam and Reservoir, and for other purposes.

The Clerk read the title of the bill.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the first paragraph of section 1 of the act approved June 29, 1940 (54 Stat. 703), be amended to read as follows: "That, in aid of the construction, operation, and maintenance of the Columbia Basin project (formerly the Grand Coulee Dam project), authorized by the act of August 30, 1935 (49 Stat. 1028), the act of August 4, 1939 (53 Stat. 1187), and the Columbia Basin Project Act (Public, No. 8, 78th Cong., 1st sess., 57 Stat. 14), there is hereby granted to the United States, subject to the provisions of this act, (a) all the right, title, and interest of the Indians in and to the tribal and allotted lands within the Spokane and Colville Reservations, including sites of agency and school buildings and related structures and unsold lands in the Klaxta town site, as may be designated therefor by the Secretary of the Interior from time to time: *Provided*, That no lands shall be taken for reservoir purposes above the elevation of 1,310 feet above sea level as shown by General Land Office surveys, except in Klaxta town site and except where in the judgment of the Secretary of the Interior, special circumstances concerning the reservoir or its operation and maintenance require the taking of land above that elevation; and (b) such other interests in or to any such lands and property within these reservations as may be required and as may be designated by the Secretary of the Interior from time to time for the construction of pipe lines, highways, railroads, telegraph, telephone, and electric-transmission lines in connection with the project, or for the relocation or reconstruction of such facilities made necessary by the construction of the project."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FEDERAL-AID ROAD ACT

Mr. ROBINSON of Utah submitted the following conference report and statement on the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate haz-

ards at railroad grade crossings, to provide for the immediate preparation of plans, and for other purposes, for printing in the RECORD:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That, when used in this Act, unless the context indicates otherwise—

"The term 'construction' means the super-
vising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping, costs of right-of-way, and elimination of hazards of railroad-grade crossings.

"The term 'urban area' means an area including and adjacent to a municipality or other urban place, of five thousand or more, the population of such included municipality or other urban place to be determined by the latest available Federal census. The boundaries of urban areas, as defined herein, will be fixed by the State highway department of each State subject to the approval of the Public Roads Administration.

"The term 'rural areas' means all areas of the State not included in 'urban areas.'

"The term 'secondary and feeder roads' means roads in rural areas, including farm-to-market roads, rural-mail routes, and school-bus routes, and not on the Federal-aid system.

"Sec. 2. For the purpose of carrying out the provisions of the Federal Highway Act, approved November 9, 1921, as amended and supplemented, there is hereby authorized to be appropriated the sum of \$1,500,000,000 to become available at the rate of \$500,000,000 a year for each of three successive post-war fiscal years: *Provided*, That of the sums authorized to be appropriated for the first of such fiscal years \$100,000,000 may be appropriated in accordance with the provisions of this Act to become available immediately upon apportionment of the authorization for said fiscal year for the making of surveys and plans and for construction: *Provided further*, That except for the sum appropriated pursuant to the preceding proviso, no part of the funds made available pursuant to this Act shall be used to pay costs incurred under any construction contract entered into by any State before the beginning of the first post-war fiscal year. The first post-war fiscal year shall be that fiscal year which ends on June 30th following the date proclaimed by the President as the termination of the existing war emergency, or following the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination, or following the date on which the Congress by a concurrent resolution of the two Houses finds as a fact that the war emergency heretofore referred to has been relieved to an extent that will justify proceeding with the highway construction program provided for by this Act, whichever date is the earliest. The authorization for the first post-war fiscal year shall be apportioned among the States within

thirty days from the passage of this Act. The authorization for the second post-war fiscal year shall be apportioned among the States within twelve months after the date of such termination or finding as above specified, and the authorization for the third post-war fiscal year shall be apportioned among the States within twelve months after the apportionment of the authorization for the second post-war fiscal year. As soon as the funds for each of the post-war fiscal years have been apportioned, the Commissioner of Public Roads is authorized to enter into agreements with the State highway departments for the making of surveys and plans, the acquisition of rights-of-way, and the post-war construction of projects. His approval of any such agreement shall be a contractual obligation of the Federal Government for the payment of its pro rata share of the cost of construction: *Provided, however*, That the Commissioner of Public Roads shall not, as a condition of approval of any project for Federal aid hereunder, require any State to acquire title to, or control of, any marginal land along the proposed highway in addition to that reasonably necessary for road surfaces, median strips, gutters, ditches, and side slopes and sufficient width to provide service roads for adjacent property to permit safe access at controlled locations in order to expedite traffic, promote safety, and minimize roadside parking.

"Sec. 3. The sum authorized in section 2 for each year shall be available for expenditures as follows:

"(a) \$225,000,000 for projects on the Federal-aid highway system.

"(b) \$150,000,000 for projects on the principal secondary and feeder roads, including farm-to-market roads, rural free delivery mail and public-school bus routes, either outside of municipalities or inside of municipalities of less than five thousand population: *Provided*, That these funds shall be expended on a system of such roads selected by the State highway departments in cooperation with the county supervisors, county commissioners, or other appropriate local road officials and the Commissioner of Public Roads: *Provided further*, That in any State having a population density of more than two hundred per square mile, as shown by the latest available Federal census, the said system may be selected by the State highway department with the approval of the Commissioner of Public Roads without regard to included municipal boundaries: *Provided further*, That any of such funds for secondary and feeder roads which are apportioned to a State in which all public roads and highways are under the control and supervision of the State highway department may, if the State highway department and the Commissioner of Public Roads jointly agree that such funds are not needed for secondary and feeder roads, be expended for projects in such State on the Federal-aid highway system.

"(c) \$125,000,000 for projects on the Federal-aid highway system in urban areas.

"Sec. 4. After making the deductions for administration, research, and investigations as provided in section 21 of the Federal Highway Act of 1921, the sums authorized shall be apportioned as follows:

"(a) The \$225,000,000 per year available for projects on the Federal-aid highway system shall be apportioned among the States as provided in section 21 of the Federal Highway Act.

"(b) The \$150,000,000 per year available for projects on the secondary and feeder roads shall be apportioned among the States in the following manner: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the rural population of each State bears to the total rural population of all the States, as shown by the Federal census of 1940; and one-third in the ratio which the

mileage of rural delivery and star routes in each State bears to the total mileage of rural delivery and star routes in all the States: *Provided*, That no State shall receive less than one-half of one per centum of each year's allotment under subsection (a) and this subsection.

"(c) The \$125,000,000 per year available for projects on highways in urban areas shall be apportioned among the States in the ratio which the population in municipalities and other urban places, of five thousand or more, in each State bears to the total population in municipalities and other urban places, of five thousand or more, in all the States as shown by the latest available Federal census: *Provided*, That Connecticut and Vermont towns shall be considered municipalities regardless of their incorporated status.

"(d) Any sums apportioned to any State under the provisions of this section shall be available for expenditure in that State for one year after the close of the fiscal year for which such sums are authorized, and any amount so apportioned remaining unexpended at the end of such period shall lapse: *Provided*, That such funds shall be deemed to have been expended if covered by formal agreement with the Commissioner of Public Roads for the improvement of a specific project as provided by this Act.

"Sec. 5. (a) The Federal share payable on account of any project provided for by the funds made available under the foregoing provisions of this Act shall not exceed 50 per centum of the construction cost thereof other than costs of rights-of-way, and as to costs of rights-of-way shall not exceed one-third of such costs: *Provided*, That in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein the Federal share shall be increased in each of the three post-war years by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area: *Provided further*, That the entire construction cost of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from Federal funds, except that not more than 50 per centum of the right-of-way and property damage costs paid from public funds, on any such project, may be paid from Federal funds: *Provided further*, That not more than 10 per centum of the sums apportioned to any State under the terms of this Act for each of such post-war fiscal years shall be used for such railway-highway projects, to be expended in accordance with the Federal Highway Act, as amended and supplemented, and the provisions of this section.

"(b) Any railway involved in any project for the elimination of hazards of railway-highway crossings paid for in whole or in part from funds made available under this Act, shall be liable to the United States for a sum bearing the same ratio to the net benefit received by such railway from such project that the Federal funds expended on such project bear to the total cost of such project. For the purposes of this subsection, the net benefit received by a railway from any such project shall be deemed to be the amount by which the reasonable value of the total benefits received by it from such project exceeds the amount paid by it (including the reasonable value of any property rights contributed by it) toward the cost of such project; and in no case shall the total benefits to any railway or railways be deemed to have a reasonable value in excess of 10 per centum of the cost of any such project. The liability of any railway to the United States with respect to any such project may be discharged

by paying to the United States, within six months after the completion of such project, such amount as the Commissioner of Public Roads determines to be the amount of such liability. Any such determination of the Commissioner shall be made on the basis of recommendations made to him by the State highway department and on the basis of such other information and investigation, if any, as the Commissioner deems necessary or proper. If any such railway has failed so to discharge its liability to the United States with respect to any project within six months after the completion thereof, the Commissioner of Public Roads shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railway is liable for in the premises. Any amounts paid to or recovered by the United States under this subsection shall be covered into the Treasury as miscellaneous receipts.

"Sec. 6. If the Commissioner of Public Roads shall determine that it is necessary for the expeditious completion of projects undertaken pursuant to this Act, he may advance to any State from funds heretofore or hereafter made available the Federal share of the cost thereof to enable the State highway department to make prompt payments for work as it progresses: *Provided*, That such State, after June 30, 1945, does not divert to other than highway uses road user revenues in violation of section 12 of the Highway Act of June 18, 1934. The funds so advanced shall be deposited in a special trust account by the State treasurer, or other State official authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for work actually performed in accordance with plans, specifications, and estimates approved by the Public Roads Administration under the provisions of this Act. Any unexpended balances of funds so advanced shall be returned to the credit of the appropriation from which the funds have been advanced: *Provided*, That any advance made to any State under the provisions of this section and not repaid shall be deducted from any apportionment allocated to such State under the provisions of this Act for the year next succeeding the year in which such advance is made, and no agreement made in accordance with the provisions of section 2 of this Act shall be valid for any pro rata share of the cost of construction in excess of such apportionment less such advance.

"Sec. 7. There shall be designated within the continental United States a National System of Interstate Highways not exceeding forty thousand miles in total extent so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of the National System of Interstate Highways shall be selected by joint action of the State highway departments of each State and the adjoining States, as provided by the Federal Highway Act of November 9, 1921, for the selection of the Federal-aid system. All highways or routes included in the National System of Interstate Highways as finally approved, if not already included in the Federal-aid highway system, shall be added to said system without regard to any mileage limitation.

"Sec. 8. With the approval of the Federal Works Administrator, not to exceed 1½ per

centum of the amount apportioned for any year to any State under the Federal Highway Act, as amended and supplemented, except sections 3 and 23 thereof, shall hereafter be used with or without State funds for surveys, plans, engineering, and economic investigations of projects for future construction in such State, on the Federal-aid highway system and extensions thereof within municipalities, on secondary or feeder roads, urban highways or grade-crossing eliminations, and for highway research necessary in connection therewith.

"Sec. 9. For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), as amended and supplemented, there is hereby authorized to be appropriated (1) for forest highways the sum of \$25,000,000 for the first post-war fiscal year and a like amount for each of the second and third post-war fiscal years; and (2) for forest development roads and trails the sum of \$12,500,000 for the first post-war fiscal year and a like amount for each of the second and third post-war fiscal years: *Provided*, That the apportionment for forest highways in Alaska shall be for each year \$1,500,000 and that such additional amount as otherwise would have been apportioned to Alaska for each of said years shall be apportioned among those States, including Puerto Rico, whose forest highway apportionment for such year otherwise would be less than 1 per centum of the entire apportionment for forest highways for that year.

"Sec. 10. (a). For the construction, reconstruction, improvement, and maintenance of roads and trails, inclusive of necessary bridges, in national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of \$12,750,000, to become available at the rate of \$4,250,000 a year for each of the three successive post-war fiscal years.

"(b) For the construction and maintenance of parkways, to give access to national parks and national monuments, or to become connecting sections of a national parkway plan, over lands to which title has been transferred to the United States by the States or by private individuals, there is hereby authorized to be appropriated the sum of \$30,000,000, to become available at the rate of \$10,000,000 a year for each of the three successive post-war fiscal years.

"(c) For the construction, improvement, and maintenance of Indian reservation roads and bridges and roads and bridges to provide access to Indian reservations and Indian lands under the provisions of the Act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of \$6,000,000 for the first post-war fiscal year and a like amount for each of the second and third post-war fiscal years: *Provided*, That the location, type, and design of all roads and bridges constructed shall be approved by the Public Roads Administration before any expenditures are made thereon, and all such construction shall be under the general supervision of the Public Roads Administration.

"Sec. 11. Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to an airport (if such airport has been constructed or extended after the date of enactment of this Act), or for the reconstruction or relocation of any highway which has been or may be closed or the usefulness of which has been or may be impaired by the location or construction of any airport (if such airport has been constructed or extended after the date of enactment of this Act), unless, prior to such extension or construction, as the case may be, the State highway department and

the Public Roads Administration have concurred with the officials in charge of the airport that the location of such airport or extension thereof and the consequent reconstruction or relocation of the highway are in the public interest.

"Sec. 12. On any highway or street hereafter constructed with Federal aid in any State, the location, form, and character of informational, regulatory, and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority, or other agency, shall be subject to the approval of the State highway department with the concurrence of the Public Roads Administration; and the Commissioner of Public Roads is hereby directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

"Sec. 13. If any section, subsection, or other provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such section, subsection, or other provision to other persons or circumstances shall not be affected thereby.

"Sec. 14. This Act may be cited as the 'Federal Aid Highway Act of 1944'."

And the House agree to the same.

J. W. ROBINSON,
WILL M. WHITTINGTON,
JENNINGS RANDOLPH,
JESSE P. WOLCOTT,
JAMES W. MOTT,
HUGH PETERSON,
PAUL CUNNINGHAM,

Managers on the part of the House.

KENNETH MCKELLAR,
CARL HAYDEN,
JOSIAH W. BAILEY,
CLYDE M. REED,
WILLIAM LANGER,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House struck out all after the enacting clause of the Senate bill and inserted in lieu thereof an amendment which was a complete substitute for the text of the Senate bill. However, the provisions of the Senate bill and the House amendment were in large part identical. The following statement indicates the differences between the Senate bill and the House amendment and the action of the conferees with respect to these differences.

Section 1 of the Senate bill defined the term "construction" so as to exclude the costs of rights-of-way. The effect of this exclusion was to prevent the use of Federal funds to pay any part of the costs of rights-of-way for highway projects undertaken under the bill. The House amendment defined the term "construction" so as to include costs of rights-of-way. The effect of this, under the bill, was to permit Federal funds to be used to pay 50 percent of the costs of rights-of-way as well as 50 percent of the other costs for highway projects. The conference agreement follows the House amendment in the definition of the term "construction", however the language of section 5 is modified to provide that, while Federal funds may be used to pay up to 50 percent of the costs other than the costs of rights-of-way, such

funds may not be used to pay more than one-third of the cost of rights-of-way.

The Senate bill defined the term "urban area" so as to include urban places other than municipalities. The House amendment omitted the reference to such other urban places. The conference agreement follows the Senate bill in this respect. This has the effect of including along with incorporated municipalities certain other densely populated areas of 5,000 or more persons which are recognized by the Bureau of the Census as urban areas. The House amendment also made a technical change in the definition of the term "urban area" which is retained in the conference agreement.

Section 2 of the Senate bill authorized the appropriation of \$450,000,000 for each of three successive post-war fiscal years. The corresponding amount authorized to be appropriated by the House amendment was \$500,000,000 for each of such years. The conference agreement follows the House amendment with respect to these amounts. Under the Senate bill the first year for which the funds would be available would be that fiscal year ending on June 30, following the termination of the present war emergency, except that \$100,000,000 could be appropriated to be available immediately. Under the House amendment the first year for which the funds would be available would be the fiscal year ending June 30, 1945. In both cases, it was provided that the first year might be as otherwise directed by the Congress. The conference agreement follows the Senate bill in this respect, except that it is specified that the termination of the war emergency may be proclaimed by the President or declared in a concurrent resolution of the two Houses of Congress, and it is also provided that the funds may become available when the Congress by concurrent resolution of the two Houses finds as a fact that the war emergency has been relieved to an extent that will justify proceeding with the highway program. The conference agreement also retains a provision of the Senate bill which provided that no part of the funds made available under the act, except the \$100,000,000 which is to become immediately available, should be used to pay costs incurred under contracts entered into by the States before the beginning of the first post-war fiscal year.

The provision of the House amendment, which was not in the Senate bill, prohibiting the Commissioner of Public Roads from requiring the States to acquire excess marginal land along proposed highways is retained in the conference agreement with a modification which permits requiring the acquisition of sufficient land to provide service roads to permit safe access to highways.

Section 3 of the conference agreement follows the House amendment in providing \$225,000,000 for each year for projects on the Federal-aid highway system, rather than \$200,000,000 as was provided in the Senate bill, and in providing \$150,000,000 for each year for projects on secondary and feeder roads, rather than \$125,000,000 as was provided in the Senate bill.

Section 4 of the conference agreement provides that of the funds available for projects on the Federal-aid highway system outside of urban areas, and of the funds available for projects on secondary and feeder roads, no State shall receive less than one-half of 1 percent. The conference agreement also follows the House amendment in omitting the definition of the term "State" which specifically included the District of Columbia, Hawaii, and Puerto Rico, as they will share in the funds made available by the act on the same basis as if they were States by reason of provisions of existing law. The conference agreement makes a technical change which provides that funds apportioned under the act shall be available for expenditure for

1 year after the close of the year for which they are authorized, rather than 2 years after the date of apportionment.

Section 5 of the conference agreement, as indicated above, provides that not more than 50 percent of the construction costs of highway projects other than costs of rights-of-way may be paid from Federal funds, and as to cost of rights-of-way not more than one-third of such cost. There were also a number of differences between the provisions of this section in the Senate bill and the House amendment relating to projects for the elimination of hazards at railway-highway crossings. The Senate bill provided that not less than 10 percent of the funds apportioned to any State should be available for such projects. The House amendment provided that not more than 15 percent of such sums should be used for such projects. The conference agreement provides that not more than 10 percent of such funds shall be so used. Under the Senate bill any part of the construction cost of such projects could be paid from Federal funds, except that no Federal funds could be used to pay for rights-of-way and the railway involved in any such project was required to pay not less than 15 percent of the construction cost. The House amendment provided that the entire construction cost of such projects could be paid from Federal funds, except that not more than 50 percent of the right-of-way and property damage costs, paid from public funds, could be paid from Federal funds. The conference agreement follows the House provisions in this respect except as to the requirement relating to contributions by the railways involved. Instead of providing that the contributions by the railways should be a condition upon the expenditure of Federal funds for railway-highway projects, as did the Senate bill, the conference agreement provides that such projects may be proceeded with and constructed, whether or not the railways have agreed to pay any part of the cost, and that a share of the costs will be subsequently collected from the railway. The amount which the railway will be required to pay is to be measured by the benefits received by the railway, in no case to exceed 10 percent of the cost of the project. The railway may discharge its liability with respect to any such project by paying the amount which the Commissioner of Public Roads determines to be the amount for which it is liable under this provision. If the railway does not elect to pay the amount so determined by the Commissioner, suit may be brought against the railway by the United States for the recovery of the amount which it is required to pay under this provision. In the court proceedings, the court would be free to determine the benefits to the railway and would in nowise be bound by the determination of the Commissioner.

The conference agreement omits the provisions of the Senate bill, which were not contained in the House amendment, providing that under certain specified circumstances Federal funds should be made available without matching to States which were unable to match the Federal funds.

Section 6 of the House amendment contained a provision, which was not in the Senate bill, providing that advances under the section should not be made to States which had diverted taxes intended for highway purposes to other uses. This provision is retained in the conference agreement in a modified form which will permit advances to be made if the State, after June 30, 1945, does not divert more of its revenues derived from road users to other than highway uses than is permitted by section 12 of the Highway Act of June 18, 1934. The provision contained in this section of the House amendment relating to the deduction from State apportionments with respect to advances made under the section is retained in the

conference agreement with a clarifying change.

Section 7 of the conference agreement follows the House bill in designating the system of highways contemplated by the section as the National System of Interstate Highways.

Section 10 of the conference agreement follows the House bill in authorizing the appropriation of \$30,000,000 for parkways, rather than \$15,000,000 as was provided by the Senate bill. The conference agreement also retains (as section 10 (c)), with technical changes, the provisions of section 11 of the House amendment authorizing the appropriation of funds for Indian reservation roads and bridges and roads and bridges to provide access to Indian reservations and Indian lands.

Section 11 of the conference agreement is a modification of section 11 of the Senate bill. The House amendment contained no comparable provision. This section, as retained in the conference agreement, provides that Federal funds shall not be used for the reconstruction or relocation of highways giving access to airports, or highways which have been closed or had their usefulness impaired by the location of airports, if such airports are hereafter constructed or extended, unless prior to such extension or construction the State highway department and the Public Roads Administration have concurred in the location of such airport or extension.

Section 12 of the conference agreement, relating to the regulation of signs on highways and streets hereafter constructed with Federal aid, follows the provisions of this section of the House amendment, which made a number of technical changes in the corresponding section of the Senate bill.

The conference agreement omits section 13 of the Senate bill imposing certain restrictions upon the location of new bridges near existing toll bridges.

Section 13 of the conference agreement contains the ordinary separability clause.

Section 14 of the conference agreement contains a short title for the act.

J. W. ROBINSON,
WILL M. WHITTINGTON,
JENNINGS RANDOLPH,
JESSE P. WOLCOTT,
JAMES W. MOTT,
HUGH PETERSON,
PAUL CUNNINGHAM,

Managers on the part of the House.

UINTAH AND OURAY RESERVATION

Mr. ROBINSON of Utah submitted the following conference report and statement on the bill (H. R. 837) to restore and add certain public lands to the Uintah and Ouray Reservation in Utah, and for other purposes, for printing in the RECORD:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 837) to restore and add certain public lands to the Uintah and Ouray Reservation in Utah, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, and 5.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 6, and 7; and agree to the same.

J. W. ROBINSON,
COMPTON I. WHITE,
HUGH PETERSON,
K. M. LECOMPT,

Managers on the part of the House.

CARL A. HATCH,
CHAN GURNEY,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 837) to restore and add certain public lands to the Uintah and Ouray Reservation in Utah, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

This bill represents a compromise, laboriously worked out over a period of many years, of certain controversies between the Ute Indians, white stockmen of eastern Utah, and the agencies of the Government concerned with Indian and public lands in the State of Utah.

The bill as originally passed by the House attempted to settle two of these public-land controversies, as follows:

(1) It disposed of a long-standing controversy between the Ute Indians and the white stockmen as to the future use of approximately 220,000 acres of land, which are held by the United States for the account of the Ute Indians, by restoring approximately 61,000 acres to the Indians and by the United States taking free of trust restrictions the other 159,000 acres which will be made available as public domain for the use of white stockmen. It contemplated that the Indians would be entitled to claim compensation for the 159,000 acres in the Court of Claims and that the United States would hereafter obtain grazing fees for the use of the land. The Senate accepted this proposal but amended it so as to provide that in the suit to be brought by the Indians for the value of these lands no gratuities of any kind should be set off. This is eminently fair since, if the Government were now to take these lands and in a subsequent suit brought for their value set off against the Indians all gratuities made to them over the last 40 years, the latter would get nothing for their land. In reality such an arrangement would amount to confiscation of their lands. Since the Government wants these lands now for other purposes, it should pay in full for them. This is not a case of an ancient and stale claim for which the statute requiring the set-off of gratuities was designed. The amount involved is small, and no one has objected to this provision. It is not thought any proper objection can be made.

(2) The Indians during the last 11 years, largely out of their own moneys, have purchased a substantial amount of bottom lands called "base properties" which entitle them to grazing privileges on the public domain. The bill as passed by the House contemplated the creation of a grazing reserve for the Ute Indians, to be administered by the Secretary of Interior and embrace an area which he would determine. In making such determination the Secretary was permitted to take into consideration the grazing privileges to which the Utes were entitled as well as the amount of lands needed for the proper conduct of a livestock enterprise based upon the "base properties." It was thought that the reserve to be set aside would include about 650,000 acres. The Senate has amended this provision so as to eliminate the creation of an Indian reserve and to provide instead that the extent of the grazing privileges of the Ute Indians shall be determined and administered by the Grazing Service under the provisions of the Taylor Grazing Act. These amendments are not to the liking of the Indian Service or the Indians but are accepted by your conferees because the other parts of the bill are necessary and their acceptance is the only way to work out this complicated problem. These amendments do not deprive the Secretary of Interior or Commissioner of Indian Affairs of any jurisdiction they now have over tribal or individual lands of the Ute Indians. The provision

that, in determining the grazing privileges of the Ute Indians, the Grazing Service under the supervision of the Secretary of Interior shall give recognition to the prior use and productive capacity of lands purchased for said Indians as of the time of their purchase was inserted to make sure that the Indians shall receive the maximum of grazing rights to which their "base properties" were entitled at the time of their purchase. The price which was paid for these "base properties" was arrived at by taking into consideration their connected grazing privileges on the public domain and it is not intended to diminish such privileges. In other respects the grazing rights of the Utes are to be determined and administered by the Grazing Service, under the supervision, of course, of the Secretary of Interior in accordance with the provisions of the Taylor Grazing Act.

The Senate also added certain other amendments designed to facilitate the final determination of all disputes between the Ute Indians and the United States, most of which concern public lands. One of these permits the Indians to sue for the value of lands taken from them in the Territory of Utah under an unratified treaty, or treaties, in the 1860's. At that time the Government was very desirous of having the Ute Indians give up their ancestral lands in Utah and sought to negotiate a treaty to accomplish that purpose. The Indians on the other hand at first declined to enter into the treaty. At the request however of Brigham Young, a former Territorial Governor of great influence with the Indians, who was called in by the Indian agent and interceded on behalf of the Government, the Indians finally signed treaties by which they relinquished to the United States all of their lands as defined and set forth in the treaties. The Indians thereupon moved off their land onto a small reservation. Subsequently, however, the Senate failed to ratify the treaties. But the land which the Indians surrendered and relinquished was never returned to them nor were they paid therefor. The Senate felt that this wrong should now be righted and your conferees agree. Under the Senate amendment the Indians are rightfully permitted to sue now for the taking of their land, which is described in the treaties. The House on a previous occasion passed such legislation. It is favored by the Secretary of Interior; and the Attorney General in a letter dated July 11, 1940, to the chairman of the Committee on Indian Affairs of the United States Senate stated that since it invoked a question of legislative policy he had no recommendation to make.

Recovery is limited to the principal value of the land, which is fixed at \$1.25 per acre. This is the minimum price at which the Government, since 1820, has sold its public lands (R. S., sec. 2357). It is also the price which Congress, in a parallel case, fixed for the valuation of land taken from the Indians of California, under a series of 18 unratified treaties in 1852, some 13 years prior to the taking in this case (act of May 18, 1928, (45 Stat. 602)). The Court of Claims as late as December 4, 1944, entered a judgment in behalf of the Indians of California based on this valuation. It is also the price which the Court of Claims, in a suit by the Ute Indians under a prior jurisdictional act in 1910, placed upon land taken from other Ute Indians in Colorado (45 C. Cls. 440). In the protection of the Government it was deemed wise to place this limitation of \$1.25 on the land since some of it contained very valuable minerals. Moreover, the amendment prevents any recovery for interest which, figured at 5 percent which was a small return of interest at the time of the taking, would now amount to four times the principal. Under these circumstances, the very least that could be allowed, with any semblance of fairness to the Indians, was the price of \$1.25 per acre.

Another Senate amendment provides that, in any suit brought by any band of the Ute Indians against the United States, the latter shall not be permitted to take as a credit or a set-off any educational expenditures made for the Ute Indians. There are many reasons for this provision. One is that the United States, by an agreement of 1880 and for other consideration, provided that until such time as the Utes were able to support themselves the Federal Government would "establish and maintain schools in the settlement of the Utes, and make all necessary provision for the education of their children." Regardless of whether that agreement is still applicable, the Senate felt, and in this your conferees agree, that, since we have taken practically all of the Ute's lands and have thereby deprived them of their main means of livelihood by hunting, the least we could do as a Nation was to educate them without charging them therefor. In one sense, the education of the Indians, which was forced upon them, was for our own benefit because only by being educated could they maintain their existence on much smaller units of land, thereby enabling our Nation to have the balance of the land for its historic growth. This provision is also favored by the Secretary of the Interior, who in other proposed legislation has vigorously opposed the setting-off of educational expenses. The Attorney General in a letter to the chairman of the Committee on Indian Affairs of the United States Senate dated July 11, 1940, stated that it invoked the question of legislative policy and that he therefore had no recommendation to make.

The Senate also amended the bill so as to make it plain that the Indians shall be entitled to assert any claims which have accrued to them since they acknowledged themselves to be under the exclusive jurisdiction of the United States (December 30, 1849), except those claims which have been already litigated. The Ute Indians in 1910 obtained a prior judgment against the United States and it is not intended to reopen questions which were settled in that suit; but it is intended that the Indians shall have the right to assert any other claims whether they arose before or after the institution of that suit. The prior adjudication is to be given full scope as far as the matters there litigated and determined are concerned, but the findings of fact and conclusions of law contained therein are not to be conclusive as to claims not therein actually determined. The language of the Senate amendment was agreed to by the representatives of the Attorney General in a Senate hearing at which similar legislation was proposed. Your conferees have agreed to this amendment.

The Senate amendment providing that in any suit jointly brought by more than one band of Ute Indians the court shall separately ascertain the share of the recovery to which each band is entitled and separately set off the amount of offsets chargeable to each band is a matter of fairness as between bands, some of which have secured far greater allowances from the Government than others. Though several of the bands may be required to join together in one suit, as a suit by the Confederate Bands of Utes, it is unfair to offset the same amount against each band, some of whom, as compared with other bands, have received very little help from the Government. As amended, each band will be charged with the offsets it has actually received.

The other amendments added by the Senate are minor in nature and need no explanation. They are all, except as to the ones on which it is recommended the Senate recede, satisfactory to your conferees.

The amendments on which it is recommended that the Senate recede would have restored to the Ute Indians approximately 30,000 acres of land, in addition to the 61,389.89 acres mentioned in the bill. Your

conferees felt that only the 61,389.89 acres should be restored by this bill.

It should be emphasized that the bill represents what is thought to be a fair compromise between all the conflicting interests and must be viewed as a whole. The Indians have strongly urged other claims which have been rejected in working out this compromise. Because of the opposition of the Department of Justice which defends all suits brought by Indian tribes, the bill—

1. Does not permit the Indians to go behind the judgment awarded them in 1910 by the Court of Claims (45 C. Cls. 440) so as to permit them to obtain "just compensation," including interest on the claims there determined. They were denied any such increment in that suit although the Supreme Court subsequently allowed it to other tribes (*United States v. Shoshone Tribe of Indians*, 299 U. S. 476; 304 U. S. 111; *Klamath & Modoc Tribe of Indians v. United States*, 296 U. S. 244; 304 U. S. 119);

2. Does not permit the Indians to get interest on their unratified treaty claims; and

3. Does not prevent the Government from setting off against any judgment expenditures made for roads and highways.

Because of the opposition of white stockmen living in Utah, the bill—

1. Does not create a reservation for the Utes of some 650,000 acres, as compensation for a reservation of approximately 2,000,000 acres taken from them shortly before the turn of the century; and

2. Does not restore to the Indians the entire 220,000 acres of land remaining unsold on the old Uintah Reservation.

Considering these concessions that have been made to the Department of Justice—which in this case is essentially an advocate—and to the white stockmen, no one can properly say that the Indians are getting any more under this bill than that to which they are entitled. This bill finally settles and compromises conflicting interests which have required the attention of Congress and various agencies of the Government for 10 years. As now presented by the conferees, it represents the fruits of these years of painstaking study, and should now pass in order to avoid a further serious deterioration in the relations between the various groups of citizens affected.

J. W. ROBINSON,
COMPTON I. WHITE,
HUGH PETERSON,
K. M. LeCOMPTE,
JAMES W. MOTT,

Managers on the part of the House.

TO AMEND SECTION 201 (G) OF THE NATIONALITY ACT OF 1940

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5513) to amend section 201 (g) of the Nationality Act of 1940.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. DICKSTEIN. Mr. Speaker, this bill deals with the citizenship of children born to American soldiers on the other side. Under the Nationality Act, if a man who is under 21 is married to an alien abroad and a child is born to them, the child is considered an alien. If that man were over 21, the child would be considered an American citizen. We want to correct that inequity.

I have agreed with the gentleman from New York [Mr. COLE] who will offer an amendment which is agreeable to the

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terest of shellfish production and navigation.

Inland waterway from Norfolk, Va., to Beaufort, N. C., with a view to providing a side channel 12 feet deep through Pasquotank River and Albemarle Sound to Elizabeth City.

Channel from the Thoroughfare to Albermarle Sound, N. C., either by way of lower Cashie River, Middle River, and Bachelors Bay, or by way of any other route.

Purviance Creek, New Hanover County, N. C.

Little Pee Dee River, S. C., from junction of the Lumber River to the Great Pee Dee River, with a view to removing logs, debris, and other obstructions.

Santee-Congaree Buckingham Landing Site, S. C.

Jefferys Creek, Florence County, S. C.

Murrells Inlet, S. C.

Cooper River, S. C., from Charleston Harbor to the Pinopolis power plant.

North River, Ga.

St. Marys River, Ga. and Fla.

St. Johns River, Fla., Palatka to Lake Harney.

Intracoastal Waterway from Jacksonville to Miami, Fla., with a view to providing an auxiliary side channel from the Intracoastal Waterway near Titusville through and easterly of Merritt Island via Banana Creek and River, to or near Eau Gallie, Fla.

Side channels, or spur channels, leading from the Intracoastal Waterway from Jacksonville to Miami, Fla., to and turning basins or harbors at the various communities on or near the banks of said waterway, having particular reference to providing such improvements to and at Titusville, Flagler Beach, New Smyrna, Fort Pierce, and to the Lighthouse Service Depot at Taylor Creek, adjacent to Fort Pierce Harbor.

St. Augustine Harbor and vicinity, Florida.

Kissimmee River, Fla.

Jupiter Inlet, Fla.

Oklawaha River, Fla., from Lake Apopka through Lake Dora to Lake Eustis and adjoining waterways.

Oklawaha River, Fla., from Lake Eustis to Lake Griffin, and thence from Lake Griffin to Silver Springs Run.

Oklawaha River and its tributaries, Florida, with a view to improvement in the interest of navigation, flood control, and related purposes.

For a system of interlocking open-river and canalized channels having a depth of 12 feet, and of suitable width, to be constructed through rivers and lakes, and by land cuts, as follows: From Palatka, Fla., to the Indian River at Sebastian, Melbourne, Eau Gallie, Cocoa, or such other locality as may be found most suitable; from Titusville westerly to the St. Johns River, thence to Lake Tohopekaliga; from Lake Tohopekaliga to Leesburg, on Lake Harris; from Lake Harris to the St. Johns River near Dexter Lake or alternately from Lake Harris to the Wekiwa River, thence to the St. Johns River; and from Lake Tohopekaliga via the Kissimmee River and Lake Okeechobee to a connection with the Okeechobee Cross-Florida Channel; all with a view to improvement in the interest of navigation, flood control, and water conservation.

Orange Lake Basin, Fla.

Wacassassa River and its tributaries, Florida, with a view to improvement in the interest of navigation, flood control, and related purposes.

Channel and harbor at Everglades, Collier County, Fla.

Bakers Haulover Inlet, Fla.

Waterway from packing house and railroad terminal at Belle Glade, Fla., to Lake Okeechobee and to the Intracoastal Waterway through the Hillsboro and West Palm Beach Canals.

Peace River, Fla.

Channel to Pahokee, on Lake Okeechobee, Fla.

Lake Okeechobee and its tributary streams, Florida, with a view to removing the water-hyacinth.

Fisheating Creek, Fla.

Channel from bridge at Bradenton, Fla., to deep water in Gulf of Mexico (Tampa Bay).

Channel from Tampa Bay to Safety Harbor, Fla.

Channel from Old Tampa Bay to Oldsmar, Fla.

Channel leading from Tampa Bay Channel directly north to the vicinity of Maximo Point near St. Petersburg, Fla.

Channel leading from Tampa Bay Channel directly north to the vicinity of Mullet Key and with a view to providing a protected harbor and turning basin.

St. Petersburg Harbor, Fla., to provide for a channel up to the depth of 30 feet from the main Tampa Bay ship channel past the port of St. Petersburg in front of the recreation pier.

Hillsboro Inlet, Fla., in the vicinity of Pompano.

Channels through Big Pass and Little Pass, from Clearwater Bay, Fla., to deep water in the Gulf of Mexico.

Sarasota Bay, Fla.: Channel from Caseys Pass (Venice Inlet), through Dona Bay to the bridge on the United States Highway No. 41, including a turning basin at the eastern terminus of the channel.

Hudson River, Fla.

Suwannee River, Ga. and Fla., with a view to improvement in the interest of navigation and flood control.

Channel from the deep water in St. Joseph Sound to, and turning basin at, Ozona, Fla.

Chassahowitzka River, Fla.

Crystal River, Fla.

Channel, turning basin, and improvements at Horseshoe, Dixie County, Fla.

Sante Fe River, from bridge on Federal Highway No. 41, near High Springs, to the Suwannee River, and from this bridge upstream to Camp Blanding, Kingsley Lake, Fla.

Waterways from Camp Blanding, Kingsley Lake, Fla., via Black Creek to St. Johns River, and (or) via Black Creek and Doctors Inlet to St. Johns River.

Canal from St. Marks to Tallahassee, Fla.

Chipola River, Ala. and Fla., with a view to its improvement in the interest of navigation, flood control, power, and other related purposes.

Waterway from the Intracoastal Waterway south across Santa Rosa Island, Fla., to a point at or near Deer Point Light.

La Grange Bayou, Fla.

St. Josephs Bay, Fla.

Aucilla River, Fla.

East Pass from the Gulf of Mexico into Choctawhatchee Bay, Fla.

Bayou Texar, Fla.

Pensacola Harbor, Fla.

Entrance to Perdido Bay, Ala. and Fla., from the Gulf of Mexico to deep water in Perdido Bay, via the most practicable route.

Columbus, Ga., to Pensacola, Fla.; waterway via Chattahoochee, Conecuh, and Escambia Rivers.

Waterway from the Escambia River to the Alabama River, Fla. and Ala.

Tombigbee River, Ala. and Miss., and canal connecting the Tombigbee and Tennessee Rivers.

Tennessee, Tombigbee, and Mobile Rivers, with a view to securing a through waterway of 12 feet depth and suitable width between the Ohio River and the Gulf of Mexico.

Fly Creek, Fairhope, Ala.

Channel 40 feet deep, to serve as a deep-water outlet to the Gulf of Mexico from the harbors of Mobile, Ala., and Pascogoula, Biloxi, and Gulfport, Miss.

Pearl River, in the interest of flood control in Pearl River, Marion and Lawrence Counties, Miss.

Pearl River, in the interest of flood control in Hinds County, Miss.

Grand Bayou Pass, La., from the Gulf of Mexico to Buras and Empire.

Bayou Schofield, La., from the Gulf of Mexico to Buras and Empire.

Ship canal to extend from the Mississippi River at a point at or near the city of New Orleans, La., to the Gulf of Mexico, by way of the best available route or routes.

Barge channel in vicinity of Baton Rouge, La., extending from the Mississippi River through Devils Swamp or along its eastern edge.

Grand Bayou, connecting Bayou Boeuf and Bayou Chevreuil, La.

Barataria Bay and connecting channels, Louisiana, to provide a continuous waterway from the Gulf of Mexico to the Intracoastal Waterway.

Bayou Boeuf, La Fourche Parish, La.

Lake Pontchartrain, La., with a view to the construction of a seaplane base in the vicinity of New Orleans and with a view to the protection of the shore line and repairs to the existing protective works on Lake Pontchartrain at Mandeville, La.

For flood control, irrigation, navigation, and drainage, and for the prevention of stream pollution and salt water intrusion, on all streams and bayous in southwest Louisiana, west of the West Atchafalaya Basin protection levee, and south of the latitude of Boyce; on all streams and bayous in Louisiana lying between the East Atchafalaya Basin protection levee and the Mississippi River; and on Amite and Tangipahoa Rivers and tributaries, Louisiana.

Mermentau River, La., from Grand Chenier to the Gulf.

Bell City Drainage Canal, La.

Bayou La Fourche, La., from the Gulf of Mexico to Leeville or to Golden Meadow.

Bayou La Fourche, La., from Donaldsonville to the Intracoastal Waterway, via Bayou Boeuf, Assumption Parish, or other streams, in the interest of navigation, flood control, beneficial uses of water, malarial control, prevention of stream pollution, and of the location of locks at the head of said bayou at or near Donaldsonville, La.

North Frong, Schooner Bayou, Vermillion Parish, La.

Gulf Intracoastal Waterway and connecting streams, lakes, and bays in Louisiana between Bayou Sale Ridge and the Calcasieu River in the interest of navigation, flood control, irrigation and drainage, and for the prevention of stream pollution and salt water intrusion.

The shore of Galveston Bay, Tex., with a view to preventing its erosion.

Galveston Bay and contiguous waters, Texas, with a view to providing a seaplane channel.

Pine Island Bayou, Tex.

Cedar Bayou Pass, Corpus Christi Pass, and Pass at Murdocks Landing, Tex.

Little Bay, Tex.

Sabine River and tributaries, Texas, in the interest of navigation, flood control, and other water uses.

Neches River and tributaries, Texas, in the interest of navigation, flood control, and other water uses.

Big Sandy Creek, Tex.

Cypress Creek, Tex.

Sabine-Neches Waterway, Tex., with a view to further improvements in the interest of navigation and the prevention of damage by floods.

Dickinson Bayou, Tex.

Jones Creek, Tex., with a view to improvement in the interest of navigation and flood control.

Waterway from the Neches River, by way of Pine Island Bayou and extension, to Trinity River, Tex.

Double Bayou, Tex.

Colorado River, Tex.

Waterway from Alvin, Tex., to the Intra-coastal Waterway.

Ouachita River, with a view to the construction of a dam at or near Rockport, Ark., in the interest of navigation, flood control, and the development of hydroelectric power.

Loosahatchie River, Tenn., from its mouth to the O. K. Robertson Road and including the area west of the Illinois Central Railroad and north of Wolf River, with a view to extending the navigation facilities of Memphis Harbor.

Mississippi River: Davenport (Iowa) harbor of refuge.

Mississippi River at Cassville, Wis.

Mississippi River at Prairie du Chien, Wis.

Mississippi River at Alma, Wis.

Mississippi River at Maiden Rock, Wis.

Illinois and Mississippi Canal, Ill.

St. Croix River Basin, Minn. and Wis., including consideration of the construction of dam below the mouth of Kettle River.

Minnesota River, Minn., up to a point 10 miles above New Ulm, with a view to improvement in the interest of navigation and related purposes.

Red River of the North Drainage Basin, Minn., S. Dak., and N. Dak.

Missouri River in South Dakota and North Dakota.

Missouri River in Nebraska.

Allegheny River, up to Olean, N. Y.

Tofte Harbor, Minn.

Grand Portage Harbor, Minn.

Lake Kabetogama, Minn.

Waterway connecting Lake Superior and Lake Michigan, from Au Train Lake to Little Bay de Noc, Mich.

Harbor at mouth of Au Train River, Mich.

Sheldrake Harbor, Mich.

St. Marys River at Sault Ste. Marie, Mich., with a view to providing facilities for light-draft navigation.

Harbor at St. Ignace, Mich.

Kenosha Harbor, Wis.

Mackinac Harbor, Mich.

Galien River, Berrien County, Mich.

Pine River, Mich.

Pinconning River, Mich.

Clinton River, Mich.

Waterway from Lake Erie, at or near Toledo, Ohio, to the southerly end of Lake Michigan by way of the Maumee River and the city of Fort Wayne, Ind., or other practicable route.

St. Marys River, Ohio and Ind.

Maumee River, Ind. and Ohio.

The coast of Lake Erie, with a view to the establishment of harbors of refuge for light-draft vessels for commercial and/or recreational purposes.

Harbor at Ballast Island, Ohio.

Vermilion Harbor, Ohio, with a view to improvement in the interest of navigation and related purposes.

Rocky River, Ohio.

The south shores of Lake Erie and of Lake Huron with a view to the establishment of harbors and harbors of refuge for light draft commercial and fishing vessels and for recreational craft.

At or near Northeast, Pa., with a view to constructing a harbor of refuge.

Harbor at Hamburg Township, N. Y.

Little River (branch of Niagara River), at Cayuga Island, Niagara Falls, N. Y.

Port Bay, N. Y.

Oswego Harbor, N. Y.

Chaumont River, N. Y.

At and in the vicinity of Henderson, N. Y., with a view to constructing a harbor.

At and in the vicinity of Sackets Harbor, N. Y., with a view to providing additional harbor facilities.

Point Dume, Calif.

Santa Monica Harbor, Calif.

The coast of southern California, with a view to the establishment of harbors for light-draft vessels.

Pillar Point, Half Moon Bay, San Mateo County, Calif.

Monterey Bay, Calif.

Carquinez Strait and Alhambra Creek, Calif., with a view to providing harbor improvements at, and in the vicinity of, Martinez.

Noyo River, Calif.

Napa River, Calif.

Humboldt Bay, Calif.

Bays, inlets, and rivers along the coast of Oregon with a view to providing an adequate number of deep-draft harbors.

Nelscott, Oreg., with a view to protection of the beach.

Harbor at Empire, Oreg.

Alsea Bay, Oreg., with a view to the construction of a harbor of refuge.

Coos Bay, Oreg.

Channel at Charleston, South Slough, Oreg.

Tillamook Bay and Bar, Oreg.

Nehalem Bay and River.

Columbia Slough.

Astoria, Oreg., with a view to the construction of a mooring basin for fishing boats within the harbor.

Willapa Harbor, Wash., with a view to providing a channel to, and turning basin at, Tokeland Dock; also with a view to providing a mooring basin and breakwater at and near Nahcotta Dock, Nahcotta.

Grays Harbor, Wash., with a view to constructing a channel into Bay City.

Grays Harbor, Wash., with a view to providing a breakwater and other improvements at and near Westport.

Grays Harbor, Wash., with a view of providing a deep-sea fishing base at Hoquiam.

Friday Harbor, Wash.

Sitka Harbor, Alaska.

Cordova Harbor, Alaska.

Kodiak Harbor, Alaska.

Neva Strait and Olga Strait, Alaska.

Upper Kvichak River, Alaska.

Skagway Harbor, Alaska.

Valdez Harbor, Alaska, with a view to its improvement, and particularly with respect to the expansion of facilities for harborage of small boats.

Cook Inlet, Alaska, with a view to improvement for navigation, providing harbor facilities for the city of Anchorage, and the development of hydroelectric power.

Anchorage Harbor, Alaska, with a view to its improvement, and with the view of determining the advisability of providing additional harbor facilities for small boats.

Kalaupapa Landing, Island of Molokai, T. H.

Kalepolepa Boat Harbor, Island of Maui, T. H.

Humacao Playa, Punta Santiago, P. R.

Arecibo Harbor, P. R., with a view to determining whether modifications in the authorized project would be desirable.

Christiansted Harbor, St. Croix, V. I., with a view to improvement for navigation.

SEC. 8. The Secretary of War is hereby authorized and directed to ascertain as nearly as can be estimated the amounts of damages resulting to manufacturers on the Oswego River, by the improvement of the Oswego and Erie Canals by the State of New York in accordance with the project adopted by the River and Harbor Act, approved August 30, 1935.

ADDITIONAL REPORTS OF COMMITTEES

The following additional reports of committees were submitted:

By Mr. HILL, from the Committee on Expenditures in the Executive Departments:

H. R. 4547. A bill to amend the act of February 14, 1931, as amended, so as to permit the compensation on a mileage basis, of civilian officers or employees for the use of privately owned airplanes while traveling on official business; without amendment (Rept. No. 1377).

By Mr. THOMAS of Oklahoma, from the Committee on Agriculture and Forestry:

H. R. 5566. A bill to amend section 502 (a) of the Department of Agriculture Organic Act of 1944; without amendment.

COMPROMISE, ADJUSTMENT, OR CANCELLATION OF INDEBTEDNESS BY SECRETARY OF AGRICULTURE

The PRESIDING OFFICER (Mr. LUCAS in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 1688) to authorize the Secretary of Agriculture to compromise, adjust, or cancel certain indebtedness, and for other purposes, which was, on page 6, to strike out all of section 5.

Mr. THOMAS of Oklahoma. Mr. President, I move that the Senate concur in the House amendment.

Mr. WHITE. Mr. President, will the Senator be good enough to explain the bill?

Mr. THOMAS of Oklahoma. The bill is Senate bill 1688. It authorizes the Secretary of Agriculture to compromise, adjust, or cancel certain indebtedness on account of farm-security loans of various kinds, and the section stricken out was section 5 on page 6. Section 5 provided that the Secretary of Agriculture should make a report to the Congress and the House struck out the requirement.

Mr. WHITE. Mr. President, I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oklahoma [Mr. THOMAS].

The motion was agreed to.

CROP INSURANCE

Mr. THOMAS of Oklahoma. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1317, House bill 4911, to amend the Federal Crop Insurance Act.

The PRESIDING OFFICER. The bill will be stated by its title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 4911) to amend the Federal Crop Insurance Act.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments be first considered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MAYBANK submitted an amendment intended to be proposed by him to the bill (H. R. 4911) to amend the Federal Crop Insurance Act, which was ordered to lie on the table and to be printed.

FEDERAL AID FOR POST-WAR HIGHWAY CONSTRUCTION—CONFERENCE REPORT

Mr. McKELLAR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2105)

to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That, when used in this Act, unless the context indicates otherwise—

"The term 'construction' means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping, costs of rights-of-way, and elimination of hazards of railway-grade crossings.

"The term 'urban area' means an area including and adjacent to a municipality or other urban place, of five thousand or more, the population of such included municipality or other urban place to be determined by the latest available Federal census. The boundaries of urban areas, as defined herein, will be fixed by the State highway department of each State subject to the approval of the Public Roads Administration.

"The term 'rural areas' means all areas of the State not included in 'urban areas'.

"The term 'secondary and feeder roads' means roads in rural areas, including farm-to-market roads, rural-mail routes, and school-bus routes, and not on the Federal-aid system.

"SEC. 2. For the purpose of carrying out the provisions of the Federal Highway Act, approved November 9, 1921, as amended and supplemented, there is hereby authorized to be appropriated the sum of \$1,500,000,000 to become available at the rate of \$500,000,000 a year for each of three successive post-war fiscal years: *Provided*, That of the sums authorized to be appropriated for the first of such fiscal years \$100,000,000 may be appropriated in accordance with the provisions of this Act to become available immediately upon apportionment of the authorization for said fiscal year for the making of surveys and plans and for construction: *Provided further*, That except for the sum appropriated pursuant to the preceding proviso, no part of the funds made available pursuant to this Act shall be used to pay costs incurred under any construction contract entered into by any State before the beginning of the first post-war fiscal year. The first post-war fiscal year shall be that fiscal year which ends on June 30th following the date proclaimed by the President as the termination of the existing war emergency, or following the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination, or following the date on which the Congress by a concurrent resolution of the two Houses finds as a fact that the war emergency heretofore referred to has been relieved to an extent that will justify proceeding with the highway construction program provided for by this Act, whichever date is the earliest. The authorization for the first post-war fiscal year shall be apportioned among the States within thirty days from the passage of this Act. The authorization for the second post-war fiscal year shall be apportioned among the States within twelve months after the date of such termination or finding as above specified, and the authorization for the third post-war fiscal year shall be apportioned among the States within twelve months after the apportionment of the authorization for the second

post-war fiscal year. As soon as the funds for each of the post-war fiscal years have been apportioned, the Commissioner of Public Roads is authorized to enter into agreements with the State highway departments for the making of surveys and plans, the acquisition of rights-of-way, and the post-war construction of projects. His approval of any such agreement shall be a contractual obligation of the Federal Government for the payment of its pro rata share of the cost of construction: *Provided, however*, That the Commissioner of Public Roads shall not, as a condition of approval of any project for Federal aid hereunder, require any State to acquire title to, or control of, any marginal land along the proposed highway in addition to that reasonably necessary for road surfaces, median strips, gutters, ditches, and side slopes and sufficient width to provide service roads for adjacent property to permit safe access at controlled locations in order to expedite traffic, promote safety, and minimize roadside parking.

"SEC. 3. The sum authorized in section 2 for each year shall be available for expenditures as follows:

"(a) \$225,000,000 for projects on the Federal-aid highway system.

"(b) \$150,000,000 for projects on the principal secondary and feeder roads, including farm-to-market roads, rural free delivery mail and public-school bus routes, either outside of municipalities or inside of municipalities of less than five thousand population: *Provided*, That these funds shall be expended on a system of such roads selected by the State highway departments in cooperation with the county supervisors, county commissioners, or other appropriate local road officials and the Commissioner of Public Roads: *Provided further*, That in any State having a population density of more than two hundred per square mile, as shown by the latest available Federal census, the said system may be selected by the State highway department with the approval of the Commissioner of Public Roads without regard to included municipal boundaries: *Provided further*, That any of such funds for secondary and feeder roads which are apportioned to a State in which all public roads and highways are under the control and supervision of the State highway department may, if the State highway department and the Commissioner of Public Roads jointly agree that such funds are not needed for secondary and feeder roads, be expended for projects in such State on the Federal-aid highway system.

"(c) \$125,000,000 for projects on the Federal-aid highway system in urban areas.

"SEC. 4. After making the deductions for administration, research, and investigations as provided in section 21 of the Federal Highway Act of 1921, the sums authorized shall be apportioned as follows:

"(a) The \$225,000,000 per year available for projects on the Federal-aid highway system shall be apportioned among the States as provided in section 21 of the Federal Highway Act.

"(b) The \$150,000,000 per year available for projects on the secondary and feeder roads shall be apportioned among the States in the following manner: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the rural population of each State bears to the total rural population of all the States, as shown by the Federal census of 1940; and one-third in the ratio which the mileage of rural delivery and star routes in each State bears to the total mileage of rural delivery and star routes in all the States: *Provided*, That no State shall receive less than one-half of one per centum of each year's allotment under subsection (a) and this subsection.

"(c) The \$125,000,000 per year available for projects on highways in urban areas shall be apportioned among the States in the ratio

which the population in municipalities and other urban places, of five thousand or more, in each State bears to the total population in municipalities and other urban places, of five thousand or more, in all the States as shown by the latest available Federal census: *Provided*, That Connecticut and Vermont towns shall be considered municipalities regardless of their incorporated status.

"(d) Any sums apportioned to any State under the provisions of this section shall be available for expenditure in that State for one year after the close of the fiscal year for which such sums are authorized, and any amount so apportioned remaining unexpended at the end of such period shall lapse: *Provided*, That such funds shall be deemed to have been expended if covered by formal agreement with the Commissioner of Public Roads for the improvement of a specific project as provided by this Act.

"SEC. 5. (a) The Federal share payable on account of any project provided for by the funds made available under the foregoing provisions of this Act shall not exceed 50 per centum of the construction cost thereof other than costs of rights-of-way and as to costs of rights-of-way shall not exceed one-third of such costs: *Provided*, That in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein the Federal share shall be increased in each of the three post-war years by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area: *Provided further*, That the entire construction cost of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from Federal funds, except that not more than 50 per centum of the right-of-way and property damage costs, paid from public funds, on any such project, may be paid from Federal funds: *Provided further*, That not more than 10 per centum of the sums apportioned to any State under the terms of this Act for each of such post-war fiscal years shall be used for such railway-highway projects, to be expended in accordance with the Federal Highway Act, as amended and supplemented, and the provisions of this section.

"(b) Any railway involved in any project for the elimination of hazards of railway-highway crossings paid for in whole or in part from funds made available under this Act, shall be liable to the United States for a sum bearing the same ratio to the net benefit received by such railway from such project that the Federal funds expended on such project bear to the total cost of such project. For the purposes of this subsection, the net benefit received by a railway from any such project shall be deemed to be the amount by which the reasonable value of the total benefits received by it from such project exceeds the amount paid by it (including the reasonable value of any property rights contributed by it) toward the cost of such project; and in no case shall the total benefits to any railway or railways be deemed to have a reasonable value in excess of 10 per centum of the cost of any such project. The liability of any railway to the United States with respect to any such project may be discharged by paying to the United States, within six months after the completion of such project, such amount as the Commissioner of Public Roads determines to be the amount of such liability. Any such determination of the Commissioner shall be made on the basis of recommendations made to him by the State highway department and on the basis of such other information and investigation, if any,

as the Commissioner deems necessary or proper. If any such railway has failed so to discharge its liability to the United States with respect to any project within six months after the completion thereof, the Commissioner of Public Roads shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railway is liable for in the premises. Any amounts paid to or recovered by the United States under this subsection shall be covered into the Treasury as miscellaneous receipts.

"Sec. 6. If the Commissioner of Public Roads shall determine that it is necessary for the expeditious completion of projects undertaken pursuant to this Act, he may advance to any State from funds heretofore or hereafter made available the Federal share of the cost thereof to enable the State highway department to make prompt payments for work as it progresses: *Provided*, That such State, after June 30, 1945, does not divert to other than highway uses road user revenues in violation of section 12 of the Highway Act of June 18, 1934. The funds so advanced shall be deposited in a special trust account by the State treasurer, or other State official authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for work actually performed in accordance with plans, specifications, and estimates approved by the Public Roads Administration under the provisions of this Act. Any unexpended balances of funds so advanced shall be returned to the credit of the appropriation from which the funds have been advanced: *Provided*, That any advance made to any State under the provisions of this section and not repaid shall be deducted from any apportionment allocated to such State under the provisions of this Act for the year next succeeding the year in which such advance is made, and no agreement made in accordance with the provisions of section 2 of this Act shall be valid for any pro rata share of the cost of construction in excess of such apportionment less such advance.

"Sec. 7. There shall be designated within the continental United States a National System of Interstate Highways not exceeding forty thousand miles in total extent so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of the National System of Interstate Highways shall be selected by joint action of the State highway departments of each State and the adjoining States, as provided by the Federal Highway Act of November 9, 1921, for the selection of the Federal-aid system. All highways or routes included in the National System of Interstate Highways as finally approved, if not already included in the Federal-aid highway system, shall be added to said system without regard to any mileage limitation.

"Sec. 8. With the approval of the Federal Works Administrator, not to exceed 1½ per centum of the amount apportioned for any year to any State under the Federal Highway Act, as amended and supplemented, except sections 3 and 23 thereof, shall hereafter be used with or without State funds for surveys, plans, engineering, and economic investigations of projects for future construction in such State, on the Federal-aid highway system and extensions thereof within

municipalities, on secondary or feeder roads, urban highways or grade-crossing eliminations, and for highway research necessary in connection therewith.

"Sec. 9. For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), as amended and supplemented, there is hereby authorized to be appropriated (1) for forest highways the sum of \$25,000,000 for the first post-war fiscal year and a like amount for each of the second and third post-war fiscal years; and (2) for forest development roads and trails the sum of \$12,500,000 for the first post-war fiscal year and a like amount for each of the second and third post-war fiscal years: *Provided*, That the apportionment for forest highways in Alaska shall be for each year \$1,500,000 and that such additional amount as otherwise would have been apportioned to Alaska for each of said years shall be apportioned among those States, including Puerto Rico, whose forest highway apportionment for such year otherwise would be less than 1 per centum of the entire apportionment for forest highways for that year.

"Sec. 10. (a) For the construction, reconstruction, improvement, and maintenance of roads and trails, inclusive of necessary bridges, in national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of \$12,750,000, to become available at the rate of \$4,250,000 a year for each of the three successive post-war fiscal years.

"(b) For the construction and maintenance of parkways, to give access to national parks and national monuments, or to become connecting sections of a national parkway plan, over lands to which title has been transferred to the United States by the States or by private individuals, there is hereby authorized to be appropriated the sum of \$30,000,000, to become available at the rate of \$10,000,000 a year for each of the three successive post-war fiscal years.

"(c) For the construction, improvement, and maintenance of Indian reservation roads and bridges and roads and bridges to provide access to Indian reservations and Indian lands under the provisions of the Act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of \$6,000,000 for the first post-war fiscal year and a like amount for each of the second and third post-war fiscal years: *Provided*, That the location, type, and design of all roads and bridges constructed shall be approved by the Public Roads Administration before any expenditures are made thereon, and all such construction shall be under the general supervision of the Public Roads Administration.

"Sec. 11. Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to an airport (if such airport has been constructed or extended after the date of enactment of this Act), or for the reconstruction or relocation of any highway which has been or may be closed or the usefulness of which has been or may be impaired by the location or construction of any airport (if such airport has been constructed or extended after the date of enactment of this Act), unless, prior to such extension or construction, as the case may be, the State highway department and the Public Roads Administration have concurred with the officials in charge of the airport that the location of such airport or extension thereof and the consequent reconstruction or relocation of the highway are in the public interest.

"Sec. 12. On any highway or street hereafter constructed with Federal aid in any

State, the location, form, and character of informational, regulatory, and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority, or other agency, shall be subject to the approval of the State highway department with the concurrence of the Public Roads Administration; and the Commissioner of Public Roads is hereby directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

"Sec. 13. If any section, subsection, or other provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such section, subsection, or other provision to other persons or circumstances shall not be affected thereby.

"Sec. 14. This Act may be cited as the 'Federal-Aid Highway Act of 1944'."

And the House agree to the same.

KENNETH McKELLAR,
CARL HAYDEN,
JOSIAH W. BAILEY,
CLYDE M. REED,
WILLIAM LANGER,

Managers on the part of the Senate.

J. W. ROBINSON,
WILL M. WHITTINGTON,
JENNINGS RANDOLPH,
JESSE P. WOLCOTT,
JAMES W. MOTT,
HUGH PETERSON,
PAUL CUNNINGHAM,

Managers on the part of the House.

Mr. McKELLAR. Mr. President, I ask unanimous consent for the present consideration of the conference report.

There being no objection, the Senate proceeded to consider the report.

Mr. McKELLAR. Mr. President, I believe all Senators know what was done in the road bill, but I shall refer very briefly to the principal changes made by the conferees.

As Senators will recall, the Senate appropriated \$1,350,000,000 for roads. That amount has been increased to \$1,500,000,000, or an increase of \$150,000,000.

The next important change is in the appropriation of \$150,000,000 for principal, secondary, and feeder roads, including farm-to-market roads.

The next important change is an appropriation of \$150,000,000 made available—through an increase in each case—for feeder roads to be apportioned among the States in the manner set forth in the conference report.

The next appropriation is for \$125,000,000 instead of \$100,000,000, to be available for projects on highways in urban areas.

The next amendment of importance is for the purpose of carrying out section 23 of the Federal Highway Act as amended. There is authorized to be appropriated for forest highways the sum of \$25,000,000. There is a proviso that the apportionment for forest highways in Alaska shall be \$1,500,000 for each year.

The next change involves the construction, reconstruction, improvement, and maintenance of roads and trails, including necessary bridges, in national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks. The amount for that purpose was fixed at \$12,750,000, or at the rate of \$4,250,000 a year.

Another addition is \$30,000,000 for the construction and maintenance of park-

ways, giving access to national parks and national monuments. That was agreed to.

The next provision is for the construction, improvement, and maintenance of Indian reservation roads, \$6,000,000, or \$2,000,000 a year.

Those are the principal changes made in the bill. This is the best road bill Congress has ever passed, and I think I have been familiar with them all from the beginning. It appropriates more money, it makes a fair and proper adjustment of the entire road situation.

Mr. REED. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. REED. I am one of the conferees, and support the report, but did I miss the Senator's explanation of the change regarding the participation by the Federal Government in the purchase of rights-of-way?

Mr. McKELLAR. The Senator did, and I overlooked it. The House wanted the Senate to agree to equal participation on the part of the Federal Government in the purchase of rights-of-way. In conference, a compromise provision was adopted by which one-third of the appropriation should be used for the purchase of rights-of-way. I thank the Senator for calling my attention to the omission.

Mr. WEEKS. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. WEEKS. Would the provision as to the purchase of rights-of-way apply to urban areas?

Mr. McKELLAR. Oh, yes; it applies to all rights-of-way, wherever they may be.

Mr. WEEKS. And the one-third participation feature is standard in all three divisions?

Mr. McKELLAR. It is required that the States provide two-thirds in the purchase of rights-of-way, and that the Federal Government provide one-third.

Mr. REED. With the permission of the Senator from Tennessee, may I read the provision?

Mr. McKELLAR. Certainly.

Mr. REED. Section 5 reads:

The Federal share payable on account of any project provided for by the funds made available under the foregoing provisions of this act shall not exceed 50 percent of the construction cost thereof other than costs of rights-of-way, and as to costs of rights-of-way shall not exceed one-third of such costs.

The Senator will find that at the bottom of page 3.

Mr. McKELLAR. The Senator is correct, and that is what was done. I think I have mentioned the principal provisions changed in the bill as it passed the Senate; indeed, practically all the changes have been covered.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. CHAVEZ. On page 2 of the report, in defining the purposes of the Federal Highway Act, there is this language:

There is hereby authorized to be appropriated the sum of \$1,500,000,000 to become available at the rate of \$500,000,000 a year for each of 3 successive post-war fiscal years.

Mr. McKELLAR. Yes.

Mr. CHAVEZ. Later the bill defines what a post-war fiscal year is.

Mr. McKELLAR. Yes.

Mr. CHAVEZ. But there is a proviso: That of the sums authorized to be appropriated for the first of such fiscal years—

Which means post-war years—

\$100,000,000 may be appropriated in accordance with the provisions of this act to become available immediately upon apportionment of the authorization for said fiscal year for the making of surveys and plans and for construction.

Can the Senator advise the Senate at this moment if it is proposed that a fiscal year or a post-war year is to be defined by a proclamation of the President, or as provided by law? What does the bill mean by "construction"?

Mr. McKELLAR. From what is the Senator reading?

Mr. CHAVEZ. I am reading from page 2 of the report, about line 9.

Mr. McKELLAR. It reads:

The authorization for the first post-war fiscal year shall be apportioned among the States within 30 days from the passage of this act.

Mr. CHAVEZ. No; that is not what I was reading. I read from section 2, as follows:

For the purpose of carrying out the provisions of the Federal Highway Act, approved November 9, 1921, as amended and supplemented, there is hereby authorized to be appropriated the sum of \$1,500,000,000—

Mr. McKELLAR. That is correct.

Mr. CHAVEZ. I continue reading:

to become available at the rate of \$500,000,000 a year for each of 3 successive post-war fiscal years: *Provided*, That of the sums authorized to be appropriated for the first of such fiscal year \$100,000,000 may be appropriated in accordance with the provisions of this act to become available immediately upon apportionment of the authorization for said fiscal year for the making of surveys and plans for construction.

What I should like to know is, what does "for construction" mean, since no construction is authorized?

Mr. HAYDEN. Perhaps I could help in making the explanation.

Mr. McKELLAR. I yield to the Senator.

Mr. HAYDEN. The idea was that this bill would become a law, say 10 days from now.

Mr. CHAVEZ. Yes.

Mr. HAYDEN. Thirty days thereafter the President would make the apportionment for the first post-war fiscal year. The bill provides that no appropriations normally could be made until the war is over, until the President proclaims it by proclamation, until Congress by concurrent resolution decides it, or if the Congress finds as a fact that the progress of the war is such that work can proceed.

Anticipating that the war with Japan will be a long one, this hundred million dollars is authorized, so that if an emergency arises between the end of the war and the time when the bill becomes operative, and manpower and materials are available, something could be done by sending up a Budget estimate for a certain sum of money.

Mr. CHAVEZ. Who is to determine that?

Mr. HAYDEN. The Bureau of Public Roads and the Bureau of the Budget send the estimate to Congress.

Mr. McKELLAR. The Bureau of Public Roads may send in a requisition to the Bureau of the Budget, and the Bureau of the Budget may send a requisition for either the whole or a part of the appropriation desired. That is the way it will be handled.

Mr. President, if there is no other question, I shall be glad to have the conference report voted on.

Mr. RUSSELL. Mr. President, I wish to obtain some information about the report.

Mr. McKELLAR. Certainly.

Mr. RUSSELL. I should like to have some Senator explain just what the conferees did with the provision inserted in the Senate having to do with the contributions of railroads to overhead or the construction of crossings which might benefit the railroads.

Mr. McKELLAR. We provided for that, and I shall read the provision as soon as I can find it.

Mr. HAYDEN. The Senator will find it in section 5 of the bill. There is the general provision which we have made with respect to the elimination of railroad grade crossings, but there is a further provision, subsection (b), on page 4, which meets the situation confronting the conferees.

We were told that if an attempt were made, as was proposed by the Senate, to impose any part of the cost of a right-of-way upon a railroad, and the railroad refused to pay it—that was the sole condition—no money could be expended at all on that crossing. To avoid that difficulty, the senior Senator from North Carolina [Mr. BAILEY] made the suggestion, which was finally adopted, and which will be found in subdivision (b) on page 4, the substance of which is that there shall be a finding by the Commissioner of Public Roads, after consultation with the State highway department, or using any other means he may determine, that the benefit to the railroad amounts to a certain percentage of the cost of the right-of-way, say 10 percent. Then he is authorized to assess that benefit against the railroad.

In the meantime, the construction proceeds, the construction is not stopped because the railroad company has not put up its money; but if the railroad company does not make its contribution within 6 months after the assessment is made, then the Commissioner of Public Roads certifies the matter to the Department of Justice, and a suit is to be instituted in the appropriate district court to require the railroad to pay. Then, of course, the court will pass on the question whether the Commissioner of Public Roads was correct in his judgment. The court will fix the amount ultimately. So the railroads may have their day in court; but the bill does provide the means whereby a railroad company can be compelled to make some contribution toward the construction of a railroad grade crossing without tying up the entire project.

Mr. McKELLAR. Mr. President, this, in a sense little, provision, I think, caused more discussion among members of the conference committee than almost any other provision. It finally seemed as if we had reached an impasse, when the distinguished Senator from North Carolina [Mr. BAILEY] prepared this particular amendment. It was accepted by the House and Senate conferees, and I believe is an admirable arrangement, and I believe it will be carried out.

Sensors will see that the only amount the railroads will have to pay is 10 percent or less, and I believe the railroads will gladly pay that, because it is inconceivable that the change in a crossing would be of less value to any railroad than 10 percent. I hope the Senator will feel as the members of the conference committee felt and will think that the provision is proper and should become law.

Mr. RUSSELL. I was very much interested in this amendment originally.

Mr. McKELLAR. I know the Senator was.

Mr. RUSSELL. I worked somewhat with those who sponsored it here, and appeared before the committee originally.

I think the arrangement of the conferees is far superior to the arrangement in the original amendment, with one very glaring exception, and that is the matter of limiting it to 10 percent. It does not matter what benefits accrue to the railroad, whether they are 50 or 60 percent of the cost of the grade crossing; under this arrangement, in no case can a railroad be assessed more than 10 percent of the cost of the project. The method of arriving at the values and the benefits to the railroads in this provision is far superior to the arbitrary rule of thumb of 15 percent which was contained in the original amendment; but it seems to me to be a mistake to set 10 percent as a maximum, because one railroad might benefit simply 5 percent in the case of one crossing, and in that case the railroad would not have to contribute more than 5 percent of the cost of the crossing, but in another case the railroad might benefit 50 percent, but in no event could the railroad be assessed higher than 10 percent of the cost of the crossing.

Mr. President, I did not understand that the 10-percent provision was in the report. I had heard of the formula which had finally been arrived at by the conferees, and I believed it to be an excellent formula, because it would permit the railroads to pay for whatever benefit accrued to them; but, with the 10-percent provision in the report, it seems to me that in many cases the general public will be taxed to pay for benefits accruing to the railroads, which would be far in excess of 10 percent of the cost of the project.

Mr. McKELLAR. Mr. President, the Senator from Georgia has served on so many conferences that he must know that in a conference one cannot always obtain what one wants. There was very great opposition to this entire amendment, so great was the opposition in fact that negotiations were broken off. The House conferees simply said they

would not agree to any amendment. It was after that that the Senator from North Carolina came forward with the present amendment. In the interest of obtaining legislation, in the interest of doing what the Senator from Georgia took such an active part in obtaining, we thought that it was better to take that than to have an impasse on the bill and not have any bill at all at the present session of Congress.

Furthermore, wherever the elimination of a crossing is worth a great deal to the railroad company it is also worth a great deal to the general public, and I am inclined to think that 10 percent is not far from the mark. As I remember the Senator's amendment, which was adopted by the Senate, it contained a provision of 15 percent, did it not?

Mr. HAYDEN. That is correct.

Mr. McKELLAR. It struck me that rather than not obtain anything—and we were confronted with that situation, for the House conferees walked out on us—we should agree as we did.

Mr. RUSSELL. Mr. President, I have served on conferences with the Senator from Tennessee and with the Senator from Arizona, and I know how tenaciously they espouse the position of the Senate.

Mr. McKELLAR. We used the name of the Senator from Georgia dozens of times in the discussion.

Mr. RUSSELL. I was not being critical of the Senate conferees.

Mr. McKELLAR. I am sure of that.

Mr. RUSSELL. I was merely expressing my own personal disappointment that there was not a broader provision which would enable the Government to recapture the actual benefits which accrue to the railroads by virtue of this provision.

Mr. McKELLAR. I, too, would rather have had 15 percent, but it was impossible to obtain it from the House conferees, and we did the best we could.

Mr. HAYDEN. Would the Senator from Georgia at least concede that it is highly important to establish the principle which has been established in this bill?

Mr. RUSSELL. I heartily agree with that statement, and I think I have so stated. I think this method is fair and just. It is better than the original method which permitted an assessment of 15 percent in every case against the railroads. It would do more justice in that respect than would the original Senate provision. But I had understood that the total benefits which accrued to the railroads could be recaptured by the Federal Treasury, and now it appears that the amount is limited to 10 percent.

Mr. HAYDEN. I may have been responsible for that; but what we were faced with was a flat declaration of 15 percent, no more, no less, or there would be no grade-crossing elimination. This permits the work to be done, as I have pointed out. So the difference between 10 and 15 percent is something that we can correct in future bills, because this is the first time such a provision as this has appeared in legislation. But we have established a correct method, as the Senator agrees, in assess-

ing what the benefits are. That is important.

Mr. RUSSELL. I think the method provided is infinitely superior to anything we have had before, and I congratulate the conferees on working out this method.

I am not sure that I understand the provision for the use of Federal funds for the acquisition of rights-of-way. That was also the subject of considerable debate, and a couple of days were spent on it in the Senate.

Mr. HAYDEN. That is all covered in one place in the conference report. It is at the bottom of page 3, section 5.

Sec. 5. (a) The Federal share payable on account of any project provided for by the funds made available under the foregoing provisions of this act shall not exceed 50 percent of the construction cost thereof other than costs of rights-of-way, and as to costs of rights-of-way shall not exceed one-third of such costs:

That is to say, the State shall put up twice as much as the Federal Government.

Mr. RUSSELL. The Senate bill, as I recall, provided originally that none of the Federal funds could be used for the acquisition of rights-of-way.

Mr. HAYDEN. Yes.

Mr. McKELLAR. As it passed the Senate.

Mr. RUSSELL. And now the formula provides that the local sponsor of the project has to put up \$2 for every Federal dollar.

Mr. McKELLAR. Yes.

Mr. RUSSELL. That is better than the House bill was.

Mr. McKELLAR. It is the result of a compromise again.

Mr. RUSSELL. I do not think it is quite as good as it could be.

Mr. McKELLAR. There was very vigorous opposition to it.

Mr. REED. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. REED. The Senator from Georgia and myself had exchanges in the debate in the Senate on two points. One was whether the Federal Government should participate in the cost of the right-of-way. The second was the extent to which railroads should be required to participate in grade-crossing separations. We passed the bill without permitting the Federal Government to do anything in connection with rights-of-way. The House restored the provision without any limitation on the railroads, whereas we had written into the bill a figure of 15 percent. The House eliminated it. We were in a position, if we were to get a bill, of reaching an agreement with the House upon those two points, which perhaps caused more discussion than any other two points. I know that the Senator from Georgia and I have tangled many times on questions of this sort. Let me say to the Senator from Georgia that I think we emerged from the conference with the best bill it was possible for us to obtain and have any legislation.

Mr. RUSSELL. I congratulate the conferees on what they have achieved. I believe that they compromised consid-

erably in connection with the 10 percent on railroad crossings, but I believe that the compromise is a very fair one, and I have no complaint to make against it.

However, I wish to make a prediction to those who have referred to this bill as a public works bill. I absolve the Senator from Arizona [Mr. HAYDEN] of ever having called it a public-works bill, but I predict that not 20 percent of the funds provided for municipalities will ever give anyone any employment without some provision of this kind, because the money will all be used for the acquisition of rights-of-way.

Mr. REED. Mr. President, I will make the Senator from Georgia two promises: In the first place, I have always held the view that separation of grade crossings was primarily for the safety of the public using the highways. We have never had any determination of the costs as between the railroads and any public agency, such as the State or county. This is the first time we have had an opportunity to determine the costs. If we find that a share greater than 10 percent belongs to the railroads—and I think we may so find—I will join the Senator from Georgia at any time in raising the percentage required from the participating railroads to whatever is found to be equitable.

In connection with the right-of-way matter, if we find from experience that in the urban centers money is being wasted in the purchase of rights-of-way, I will join the Senator from Georgia in amending the law at some time in the future.

Mr. RUSSELL. The statement of the Senator from Kansas is most gratifying.

THE PRESIDING OFFICER (Mr. McCLELLAN in the chair). The question is on agreeing to the conference report on Senate bill 2105.

The report was agreed to.

FLOOD-CONTROL PROJECTS— CONFERENCE REPORT

Mr. OVERTON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4485) entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 27: That the Senate recede from its amendment numbered 27.

Amendment numbered 30: That the Senate recede from its amendment numbered 30.

Amendment numbered 36: That the Senate recede from its amendment numbered 36.

Amendment numbered 39: That the Senate recede from its amendment numbered 39.

Amendment numbered 44: That the Senate recede from its amendment numbered 44.

Amendments numbered 87 and 88: That the Senate recede from its amendments numbered 87 and 88.

Amendment numbered 91: That the Senate recede from its amendment numbered 91.

Amendments numbered 2, 3, 4, 5, 6, and 7: That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, and 7 and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10 and agree to the same.

Amendments numbered 12, 13, 14, 15, 16, 17, and 18: That the House recede from its disagreement to the amendments of the Senate numbered 12, 13, 14, 15, 16, 17, and 18 and agree to the same.

Amendments numbered 20, 21, 22, 23, 24, and 25: That the House recede from its disagreement to the amendments of the Senate numbered 20, 21, 22, 23, 24, and 25 and agree to the same.

Amendments numbered 28 and 29: That the House recede from its disagreement to the amendments of the Senate numbered 28 and 29 and agree to the same.

Amendments numbered 31 and 32: That the House recede from its disagreement to the amendments of the Senate numbered 31 and 32 and agree to the same.

Amendments numbered 34 and 35: That the House recede from its disagreement to the amendments of the Senate numbered 34 and 35 and agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38 and agree to the same.

Amendments numbered 40, 41, 42, and 43: That the House recede from its disagreement to the amendments of the Senate numbered 40, 41, 42, and 43 and agree to the same.

Amendments numbered 45, 46, 47, 48, 49, 50, and 51: That the House recede from its disagreement to the amendments of the Senate numbered 45, 46, 47, 48, 49, 50, and 51 and agree to the same.

Amendments numbered 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, and 81: That the House recede from its disagreement to the amendments of the Senate numbered 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, and 81 and agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84 and agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90 and agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92 and agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94 and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In said Senate amendment, on page 1, strike out lines 3 through 11 and on page 2, strike out lines 1 through 4; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In said Senate amendment, on page 8, line 4, insert commas after the word "generally" and after the word "charge"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with amendments, as follows: In said Senate amendment, on page 8, line 24, after the period insert the following: "Rate schedules shall be drawn having regard to the recovery (upon the basis of the application of such rate schedules to the capacity of the electric facilities of the projects) of the cost of producing and transmitting such electric energy, including the amortization of the capital investment allocated to power over a reasonable period of years"; on page 9, line 2, before the word "to" insert the following: "from funds to be appropriated by

the Congress"; line 2, strike out the word "and" and insert in lieu thereof the word "or"; line 2, after the word "acquire" insert the words "by purchase or other agreement"; line 8, after the period insert the words "All moneys received from such sales shall be deposited in the Treasury of the United States as miscellaneous receipts"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In said Senate amendment, line 13, after the word "uses" insert the word "for"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with amendments, as follows: In said Senate amendment, line 23, after the word, "prosecuted" insert the words "on any project authorized in this Act to be constructed by the War Department"; page 14, line 11, strike out the word "herein" and after the word "authorized" insert the words "in this Act for construction by the War Department"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with amendments, as follows: In said Senate amendment, line 17, after the word "provided" insert the words "that the Secretary of War determines that"; line 18, after the word "and" insert the word "that"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows: In said Senate amendment, on page 21, strike out lines 10 through 25, and on page 22, strike out lines 1 and 2 and insert in lieu thereof the following: "Paragraph (d) of the Lower Mississippi River item in section 3 of the Flood Control Act of August 18, 1941, is hereby construed to authorize reimbursement for the actual market value of lands, rights-of-way, and easements, furnished subsequent to August 18, 1941, for set-backs of main-line Mississippi River levees, regardless of State laws limiting payments to local tax assessment valuations"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: In said Senate amendment, change the colon on line 17 to a period and strike out the remainder of that line and all of lines 18 and 19.

Amendment numbered 40½: That the House recede from its disagreement to the amendment of the Senate numbered 40½, and agree to the same with an amendment, as follows: In said Senate amendment, on line 3, strike out the words "his report of" and on line 4, strike out the words "November 16, 1944", and insert the words "House Document Numbered 802, Seventy-eighth Congress, Second Session,"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with amendments, as follows: In said Senate amendment, line 9, strike out the words "No provision of this or any other Act" and insert the words "Neither this authorization nor any previous authorization"; line 11, change the period to a comma and insert the following "pending submission and adoption by Congress of the report authorized in the Flood Control Act of August 11, 1939."

And the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree

to the same with amendments, as follows: In said Senate amendment, line 23, strike out the figures "\$959,465,000" and insert in lieu thereof the figures \$950,000,000; line 24 after the word "herein" insert the words "by the War Department"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows: In said Senate amendment, line 14, before the word "protection" insert the word "bank"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows: In said Senate amendment, line 17, delete the period after the word "government" and add the following: "until the legislature of the state in which the land lies shall have consented to the acquisition of lands by the United States for the purposes within the scope of this section: *Provided further*, That there shall be paid annually to the county in which any lands acquired under this section may lie, a sum equal to one per centum of the purchase price paid for the lands acquired in that county or, if not acquired by purchase, one per centum of their valuation at the time of their acquisition."

And the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows: In said Senate amendment, line 6, strike out the figures "\$418,000" and insert in lieu thereof the figures "\$434,000"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows: In said Senate amendment, on page 52, line 2, strike out the figures "\$12,500,000" and insert in lieu thereof the figures "\$21,700,000"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment, as follows: In said Senate amendment, line 10, strike out the figures "12" and insert in lieu thereof the figures "13"; and the Senate agree to the same.

JOSIAH W. BAILEY,
JOHN H. OVERTON,
THEO. G. BILBO,
HAROLD H. BURTON,
OWEN BREWSTER,
HATTIE W. CARAWAY,
BENNETT CHAMP CLARK,
HIRAM W. JOHNSON,

Managers on the part of the Senate.

WILL M. WHITTINGTON,
A. LEONARD ALLEN,
A. J. ELLIOTT,
CHARLES R. CLASON,
CARL T. CURTIS,

Managers on the part of the House.

Mr. AIKEN. Mr. President, may I ask if it is the intention to take up this conference report tonight?

Mr. OVERTON. It is.

Mr. AIKEN. I ask the Senator from Louisiana if he is willing to let this matter go over until tomorrow. The amendment in which I am interested is one which would provide for construction in my valley in Vermont. I should like to have an opportunity to study it and let the Senate know what it is doing before it acts upon it.

Mr. OVERTON. Mr. President, let me say to the Senator from Vermont that we

adopted exactly the amendment which the distinguished Senator from Vermont [Mr. AUSTIN] offered.

Mr. AIKEN. There were a few words added.

Mr. OVERTON. Nothing was added except a clarifying amendment.

Mr. AIKEN. I do not understand that it is a clarifying amendment.

Mr. OVERTON. Mr. President, I shall not be present tomorrow, and I shall insist upon proceeding with the consideration of the conference report tonight. I shall be unavoidably detained from the Senate tomorrow. We can take it up and thresh it out this evening. I should like to dispose of the conference report. It would be very inconvenient for me to be present tomorrow.

Mr. AIKEN. How does the Senator interpret that amendment?

Mr. OVERTON. Let me state exactly what the amendment is.

The amendment which was offered in the Senate and agreed to by the Senate is word for word what was agreed to in conference, except that the words "that the Secretary of War determines that" have been inserted, so as to make the amendment provide that the alternate plan will be carried into execution upon an agreement between the Board, the Secretary of War, and the Chief of Engineers, provided that the Secretary of War determines that the total costs of the alternate plan shall not exceed the sum of \$11,000,000. As I understand, the objection of the Senator is that he does not want the Secretary of War to make that determination.

Mr. AIKEN. No; I should like to save the Senator's interpretation of what the amendment means. Will he let me say what I have been told it means?

Mr. OVERTON. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, this amendment, as adopted by the Senate, authorized, and I believe directed, the War Department to adopt the States' alternative plan of eight dams in place of one large dam, which was in the program for the West River Valley.

As I recall, it was further provided—I do not have the bill, the amendment, or the conference report before me—that the dams in the States' alternate plan should impound not less than 75 percent as much water as the one large dam which was originally proposed by the War Department, and that the costs should not exceed the sum of \$11,000,000. The amendment reads:

Provided, That the Secretary of War determines that the total costs of the alternate plan shall not exceed the sum of \$11,000,000.

I have been told by Mr. CLASON, one of the House conferees, that if the Secretary of War finds that the cost of the eight alternate dams exceeds the sum of \$11,000,000, then he is authorized to go back to the original big dam, which would destroy this valley. It might easily happen that we would have inflation to a degree of 10 or 15 percent, so that the Secretary of War might find that the cost of the dams would exceed \$11,000,000. Then if what I am told is correct, the amendment passed by the Senate would be

meaningless; it would have no effect; and the big dam could be built, destroying the valley, which the Senate emphatically stated it did not wish to do, and which the New England Senators and Representative CLASON agreed should not be done.

Mr. OVERTON. Mr. President, it is all very simple. Everything the Senator says is contained in the amendment adopted by the Senate. That amendment provided that the alternate plan should go into effect, provided the work could be done at a cost not to exceed \$11,000,000. Who is to make that determination? The House conferees, including a representative from one of the New England States, stated that someone must make the determination. So it was suggested that the Secretary of War make the determination. Certainly it could not be left in the air. The amendment which was suggested by both Senators from Vermont and the Senators from Massachusetts and Connecticut, declared emphatically that the alternate plan of reservoirs on the tributaries of the West River should go into effect and be executed if the cost were not in excess of \$11,000,000. The only thing the conferees did was to say that the Secretary of War should make the determination. Someone must make the determination. That is the only difference.

Mr. AIKEN. Does the Senator understand that if the Secretary of War should determine that the cost would be \$11,200,000, the State plan would be thrown into the discard, and the Secretary might revert to the original plan of one big dam in the valley?

Mr. OVERTON. That is correct. That could have been done anyway.

Mr. AIKEN. That is not my understanding of the intention of the Senate in adopting the amendment. I will confess that I did not see the amendment until perhaps 20 minutes before it was adopted. Perhaps I should have insisted on seeing it; but I had the idea that the cost of the alternate plan, as modified, should not exceed \$11,000,000.

Mr. MALONEY. Mr. President, I should like to ask the Senator in charge of the bill a question.

Mr. OVERTON. I yield.

Mr. MALONEY. As I understand, the figure \$11,000,000 was proposed by the Senators from Vermont.

Mr. OVERTON. It was proposed in the amendment offered by the Senator from Vermont [Mr. AUSTIN].

Mr. AIKEN. I did not offer the amendment.

Mr. MALONEY. It is my understanding that the figure was proposed by the State of Vermont. I should be deeply disappointed now, Mr. President, if after the long discussion we had here and the agreement which we felt we had reached, a difference of \$100,000 or \$200,000 should upset the hopes and ambitions of the distinguished Senator from Vermont.

I am wondering whether it is possible that the State of Vermont, through its water commission, might be able to bid on the construction of these dams in order to protect itself if the need arose.

Mr. AIKEN. I do not know about that, but I should be disappointed if the

deeply with his lovely and cultured daughter who survives him.

Charles D. Millard was born in Tarrytown, N. Y., in the congressional district which he represented; educated at Phillips Academy, Andover, Mass.; Brown University, Providence, R. I.; New York Law School, New York City; admitted to the bar on May 2, 1898, and practiced law from that time in New York City and Westchester County, N. Y.; was president of Westchester County Bar Association, 1927-28; member of the Westchester County Board of Supervisors since 1907 and chairman of that board, 1916-17 and 1927-28; for 23 years supervisor of the town of Greenburgh; Republican State committeeman from the fourth assembly district of Westchester County.

(Mr. REED of New York asked and was given permission to revive and extend his remarks.)

Mr. GAMBLE. Mr. Speaker, the sudden death yesterday of the Honorable Charles D. Millard of Tarrytown, N. Y., who represented the Twenty-fifth Congressional District of New York, which has just been announced, brings a feeling of sadness to me and to his many friends still serving here.

Charlie Millard was born in Tarrytown, N. Y., December 1, 1873. He was educated at Phillips Academy, Andover, Mass., and graduated from Brown University in 1895. A member of the university football team, Charlie Millard was named All-America halfback in his senior year. He was also a member of the Brown baseball team and its captain. Upon his graduation from New York Law School in 1898 he was admitted to practice the same year.

Mr. Millard began his long political career when he was elected town clerk of Greenburgh in 1899 and remained in that post until 1907 at which time he was elected supervisor of the town of Greenburgh, serving continuously for 23 years. He was twice elected chairman of the board of supervisors. Mr. Millard was also a past president of the Westchester County Bar Association.

A lifelong Republican, Charlie Millard was one of the most popular political figures in Westchester County.

Mr. Millard was elected to the Congress, representing the present Twenty-fifth Congressional District of New York, in 1931 and served until 1937 when he resigned to accept the nomination as surrogate of Westchester County to which office he was elected in the fall of that year and served a full term of 6 years, retiring on December 31, 1943, when he reached the statutory retirement age.

COMBAT PAY

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I am glad to note by the press that General Eisenhower has rec-

ommended that the Medical Corps be given the combat increase in pay. I took the matter up with the chairman of the Committee on Military Affairs when I came back from Europe and also with the War Department. The War Department has not recommended it as yet. General Eisenhower's recommendation should be agreed to. The Medical Corps is unarmed, unable to defend itself, and should be given the increase in pay in combat areas. The stretcher bearers go out unarmed, up mountain trails, under fire, on the fields of battle to care for and carry out the wounded, totally unprotected, and many of them are wounded and some lose their lives in saving others. The nurses and doctors and other personnel of the Medical Corps are very near the actual firing line and are in constant danger. It is truly a brave corps.

AMERICAN RED CROSS

Mr. VORYS of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VORYS of Ohio. Mr. Speaker, in April 1942, the President requested of Congress a bill to protect the name and emblem of the American Red Cross, to stop its commercial exploitation, and to implement the international Red Cross treaty. It was urged by the State, War, Navy, and Justice Departments, by the Army and Navy as needed in the war effort, by the staff and volunteer membership of the Red Cross. It was opposed by the half dozen companies who commercialize the name and emblem of the Red Cross.

The bill came out of committee so late in 1942 that it died on the Union Calendar in the Seventy-seventh Congress. I wish to report that the same thing is now happening in the Seventy-eighth Congress. The Red Cross bill, which this time originated in the Senate, has been in our committee since April. A substitute came out of our committee this week, which gives commercial imitators more protection than the present law. The American Red cross is opposed to this substitute bill. The bill will probably die on the calendar. In the meantime, except for the Red Cross Shoe Co. in Ohio, which has patriotically changed its trade-mark to Gold Cross during the war, the other commercial users are continuing to cash in on their alleged vested rights to confuse the public and to commercialize this sacred international emblem of mercy—the Red Cross.

CORRECTION OF LEAVE OF ABSENCE

Mr. LUTHER A. JOHNSON. Mr. Speaker, the RECORD of yesterday discloses that I was granted leave of absence for the day on account of important business, at the request of the gentleman from Texas [Mr. KILDAY]. The reverse was true. I ask unanimous consent that the RECORD may be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

NATIONAL MEMORIAL STADIUM, DISTRICT OF COLUMBIA

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (S. J. Res. 155) establishing a commission to select a site and design for a national memorial stadium to be erected in the District of Columbia.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, I understand the committee has reported the resolution favorably and has also made a change in it so that the commission would have the right to recommend the site.

Mr. RANDOLPH. Yes. The distinguished minority leader is correct. His objection yesterday afternoon during the previous consideration of this measure was met by the Committee on the District of Columbia at a special session today. We reported the joint resolution unanimously with the suggested change calling for a recommendation of the site rather than the actual selection.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That there is hereby established a commission to be composed of three Members of the Senate to be appointed by the President of the Senate, three Members of the House of Representatives to be appointed by the Speaker of the House, and three persons to be appointed by the Commissioners of the District of Columbia. Such commission is authorized and directed (1) to consider and select a suitable site for an athletic field and stadium to be constructed in the District of Columbia as a permanent memorial to the men and women who gave their lives while serving as members of the armed forces of the United States during World War No. 1 and World War No. 2; (2) to procure such plans and designs and make such surveys and estimates of the cost thereof as it deems advisable; (3) to endeavor particularly to formulate a method of financing the project on a self-liquidating basis; and (4) to make a report to the Congress, together with its recommendations, at the earliest practicable date.

SEC. 2. (a) The members of the commission shall serve without compensation; but travel, subsistence, and other necessary expenses incurred by them in connection with the work of the commission may be paid from any funds available for expenditure by the commission.

(b) The commission is authorized, within the limits of appropriations made therefor, to employ and fix the compensation of such officers, experts, and other employees as may be necessary to carry out its functions.

SEC. 3. There are hereby authorized to be appropriated such sums, not to exceed \$25,-

000, as may be necessary to carry out the provisions of this joint resolution.

Mr. RANDOLPH. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RANDOLPH: On page 1, line 9, strike out "and select."

The amendment was agreed to.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A joint resolution establishing a commission to consider a site and design for a national memorial stadium to be erected in the District of Columbia."

RED CROSS EMBLEM

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DIRKSEN. Mr. Speaker, I listened a moment ago to the observations of the gentleman from Ohio [Mr. VORYS] relative to the bill that is pending both in the House and Senate to prohibit in the future, with some modifications, the use of the heraldic emblem of the Red Cross. That matter is not quite so simple as it would appear. I do not understand, as a matter of fact, notwithstanding all the legalisms and the fine-spun court decisions, why the United States Government should undertake to say to a man who has used that emblem for 75 years that as of a given day such use must end. I see no harm to the Red Cross itself. I see, however, the Government stepping in constantly through the exercise of the sovereign power to deny people a usage that has been going on for a long time.

There is a little cannery in Maryland; there is Johnson & Johnson, which makes bandages, gauze, and surgical apparatus; there is a shoe company in Ohio; there is a macaroni factory in Illinois where that emblem has been used continuously through three or four generations, for 75 years; and others who have used the Red Cross as a commercial emblem and trade-mark; and suddenly and very abruptly the Government says, "On and after a given day you cannot use it."

Despite the legalisms, is there anything fair about that?

EXTENSION OF REMARKS

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and include a column by Roger W. Babson.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

[The matter referred to appears in the Appendix.]

(Mr. WEISS asked and was given permission to extend his remarks in the Record.)

Mr. HARLESS of Arizona. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and

include a telegram from various citizens in Tucson, Ariz.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

[The matter referred to appears in the Appendix.]

CORRECTION OF RECORD

Mr. JENNINGS. Mr. Speaker, I ask unanimous consent that the last sentence in my remarks on page A5034 of the Record of December 11 be corrected so as to read as follows:

Executive decrees and proclamations must not be permitted to nullify acts of Congress and to substitute the arbitrary will of some executive officer for the plain and express enactments of the people's representatives.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CALENDAR WEDNESDAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the business in order on tomorrow, Calendar Wednesday, be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXTENSION OF REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the Record by including therein an article by Charles A. Merrill, from the Boston Sunday Globe.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

[The matter referred to appears in the Appendix.]

FEDERAL-AID HIGHWAY ACT, 1944

Mr. ROBINSON of Utah. Mr. Speaker, I call up the conference report on the bill (S. 2105) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad grade crossings, to provide for the immediate preparation of plans, and for other purposes, and I ask unanimous consent that the statement be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

(For conference report and statement, see proceedings of the House of December 11, 1944.)

Mr. ROBINSON of Utah. Mr. Speaker, for the information of the House, I will state that the statement of the managers on the part of the House appears on page 9322 of the Record of yesterday.

Mr. Speaker, this is a unanimous report from the conference committee. A

great deal of time was spent in conference on this bill. The House maintained all of the important features of the House bill. There have been a few amendments made to the House bill, but in my judgment, most of the amendments have improved the bill over what it was when it left the House.

I do not care to make any extended remarks, but if there are any questions, I will be glad to yield.

Mr. JENKINS. Mr. Speaker, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. JENKINS. I am not sure that I am right about this, as I have read this very hastily. However, it seems to me, you have changed very materially the formula by which you apportion money to the rural highways. You adopt a new formula, new terms entirely, which I have never seen before.

Mr. ROBINSON of Utah. No. This is exactly the formula as it passed the House. The formula is new in one or two particulars. The old formula divided all of the funds—that is, at times it did and at times it did not—but it was the purpose to divide the funds on the basis of one-third population, one-third area, and one-third length of road. This formula divides the funds that are used on Federal-aid highways on the old formula. The funds that are used on farm-to-market and rural roads are divided substantially on the old formula, except instead of taking the population of the State we take the population of the counties, which makes a little better division of the funds as far as the counties are concerned. The \$125,000,000 that goes to urban areas is divided entirely on the basis of population. That is a new feature of the highway bill, and a departure from the formula and also from the Federal-aid highway bill.

Mr. JENKINS. I have only read this casually, but I notice you provide that the apportionment for rural roads, such as rural carrier roads and bus roads shall be in the same proportion as those are to the bus roads of the Nation. That is a new proposition, is it not? For instance, Ohio's proportion would be fixed by finding out the proportion of school-bus roads in Ohio as compared with the whole United States?

Mr. ROBINSON of Utah. That is for local roads; country roads.

Mr. JENKINS. Is that not a new proposition?

Mr. ROBINSON of Utah. It is the same basis, only that it is based on the county roads instead of State roads, which, in the opinion of the committee, gave the local counties a little better break.

Mr. JENKINS. I thought so, but when I read this I am not sure. In that event, if you are careful to base it on the rural unimproved roads, that are not either on a county or State system, you will be carrying the benefits to the school-bus roads.

Mr. ROBINSON of Utah. That is correct.

Mr. MILLER of Connecticut. Will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. MILLER of Connecticut. Was there any reason given to the committee for the language in section 11, which I believe was also in the House bill, that prohibits the use of Federal funds for the relocation of highways giving access to airports?

I have in mind that we have two airports in Connecticut, owned by the State, in connection with which for the duration they have had to close one of the through State highways.

Mr. ROBINSON of Utah. I may say to the gentleman from Connecticut that when the bill passed the House it contained no provision for flight strips; we have eliminated that from the bill. The Senate bill contained a provision for flight strips. The conference report does away with the flight strips, providing simply for the arrangement or concurrence, we might say, of the two organizations with reference to the reconstruction or relocation of any highway giving access to an airport.

Mr. MILLER of Connecticut. Will it be possible, if the Public Roads Administration approves, for the States to use Federal-aid funds on State highways giving access to an airport?

Mr. ROBINSON of Utah. Yes; I think that is correct.

Mr. LUTHER A. JOHNSON. Mr. Speaker, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. LUTHER A. JOHNSON. As I understand, the bill contains three different formulas. The first is for Federal-aid roads where the formula remains as it was, one-third, one-third, and one-third; secondly, there is the farm-to-market roads, where the formula has been changed. Will the gentleman explain it?

Mr. ROBINSON of Utah. It too is one-third, one-third, and one-third, only we use the county roads instead of the State roads.

Mr. LUTHER A. JOHNSON. The length of the county roads rather than the length of the State roads.

Mr. ROBINSON of Utah. The gentleman is correct.

Mr. LUTHER A. JOHNSON. Then in the case of urban roads it is on a population basis only and does not take into consideration either of the other elements.

Mr. ROBINSON of Utah. It takes into consideration the population of all cities over 5,000.

Mr. LUTHER A. JOHNSON. I am a little afraid we are getting away from the old formula, one-third population, one-third length of highway, and one-third area which was in the original act of 1916. We have just in recent years begun to depart from that formula, have we not?

Mr. ROBINSON of Utah. No; we have departed from it many times. In some of our bills we have apportioned one-eighth on population. We have not held exactly to the formula.

Mr. LUTHER A. JOHNSON. I thought this was a recent innovation.

Mr. ROBINSON of Utah. It is, so far as apportioning money directly to urban areas is concerned; that is new, but the committees in each House felt it was ab-

solutely necessary to give the cities separate treatment.

Mr. LUTHER A. JOHNSON. How much money will the farm-to-market roads get under this bill?

Mr. ROBINSON of Utah. One hundred and fifty million dollars per annum.

Mr. BONNER. Mr. Speaker, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. BONNER. I wish to ask the chairman if there has been any change whatsoever in the requirement of matching funds allocated to the States?

Mr. ROBINSON of Utah. No; I think not. They are required to match funds on a 50-50 basis.

Mr. BONNER. I call attention to section 8:

With the approval of the Federal Works Administrator, not to exceed 1½ percent of the amount apportioned for any year to any State out of the Federal Highway Act, as amended and supplemented, except sections 3 and 23 thereof.

It states may be matched or may not be matched. What does that mean? It reads:

Shall hereafter be used with or without State funds for surveys—

And so forth. That is with matching or without matching.

Mr. ROBINSON of Utah. That is where they used it simply for planning.

Mr. BONNER. Which States will be required to match and which not?

Mr. ROBINSON of Utah. As I understand, none of the States will be required to match.

Mr. BONNER. There will be no matching requirement whatsoever for planning.

Mr. ROBINSON of Utah. The gentleman is correct.

Mr. CASE. Mr. Speaker, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. CASE. First, I wish to express my appreciation to the conferees in retaining the amendment authorizing construction and maintenance of Indian reservation roads, which was adopted when the bill was before the House. Now, then, I wish to ask the chairman the reason for reducing from 2 years to 1 the period of time in which a State may match its allotments of Federal aid.

Mr. ROBINSON of Utah. We have not done that; they still have 2 years. The way we had it before it was on the date of apportionment. Under the bill as agreed to in conference the States will really have 2 years.

Mr. CASE. I think it is well to have that explanation in the Record because the conference report changes the language in paragraph (d) of section 4 from 2 years to 1 year and on the surface it would appear to be reducing the matching period that much.

Mr. ROBINSON of Utah. It is apportioned every year. We think as it is now we have really given the States 2 full years.

Mr. WHITTINGTON. There was some question and the language of the confer-

ence clarified it so as to make it definite with reference to the extended time.

Mr. RANKIN. Will the gentleman yield?

Mr. ROBINSON of Utah. I yield to the gentleman from Mississippi.

Mr. RANKIN. I refer to subsection (b) of Section 10, where we doubled the amount of funds for the construction and maintenance of parkways, such as the Natchez Trace, Blue Ridge, and so forth, raising it from \$15,000,000 to \$30,000,000. I understand the conferees have agreed to that amendment?

Mr. ROBINSON of Utah. That is correct.

Mr. RANKIN. Just as it was adopted by the House?

Mr. ROBINSON of Utah. That is correct.

Mr. O'CONNOR. Will the gentleman yield?

Mr. ROBINSON of Utah. I yield to the gentleman from Montana.

Mr. O'CONNOR. It occurs to me that the committee has done splendid work and the gentleman is to be congratulated on the work he has done in connection with procuring funds for roads in States like my own State and his State, following long and extensive hearings. Referring to paragraph (b) on page 3 of the report where it says "one-third in the ratio which the area of each State bears to the total area of all of the States," I feel confident the gentleman has made a study of just what that means.

Mr. ROBINSON of Utah. That is the law as it has been since 1916.

Mr. O'CONNOR. What proportion of that fund for feeder roads and county roads would the States have to provide?

Mr. ROBINSON of Utah. They match this on a 50-50 basis, all of it.

Mr. O'CONNOR. The whole works?

Mr. ROBINSON of Utah. All of it; yes.

Mr. THOMASON. Will the gentleman yield?

Mr. ROBINSON of Utah. I yield to the gentleman from Texas.

Mr. THOMASON. Did the conferees retain the provision about Federal aid for approach roads to national parks?

Mr. ROBINSON of Utah. Yes.

Mr. THOMASON. In those cases the Federal Government pays the entire amount?

Mr. ROBINSON of Utah. That is correct.

Mr. WICKERSHAM. Will the gentleman yield?

Mr. ROBINSON of Utah. I yield to the gentleman from Oklahoma.

Mr. WICKERSHAM. Can the Chairman assure me that States like Oklahoma that have set up their tax structure along certain lines for a number of years will not be affected?

Mr. ROBINSON of Utah. Under this bill they are treated the same as they have been treated under previous highway bills.

Mr. MILLER of Connecticut. Will the gentleman yield?

Mr. ROBINSON of Utah. I yield to the gentleman from Connecticut.

Mr. MILLER of Connecticut. Do I understand the report correctly that as

agreed upon not more than one-third of the cost of rights-of-way will be paid by Federal funds?

Mr. ROBINSON of Utah. That is correct. Under the House bill we paid one-half of the costs of the rights-of-way and under the Senate bill none was provided. This is a compromise between the House and Senate bills.

Mr. MILLER of Connecticut. Is that not going to make it difficult for congested areas to provide their part of the funds where the cost of rights-of-way is very, very important and mighty expensive?

Mr. ROBINSON of Utah. I agree with the gentleman and I was in sympathy, of course, with the 5 percent, but the Senate did not provide for any Federal contribution and we thought it was better to get one-third than nothing at all.

Mr. MILLER of Connecticut. From zero to 33 1/3 percent, I suppose is a good compromise.

Mr. IZAC. Will the gentleman yield?

Mr. ROBINSON of Utah. I yield to the gentleman from California.

Mr. IZAC. Will the gentleman assure the House that the location of the highways under this allocation of funds will be up to the highway commissions of the various States?

Mr. ROBINSON of Utah. The bill so provides. There is no question about that. The State highway commissions will have the say as to the location of the roads in the various States.

Mr. HARRIS. Will the gentleman yield?

Mr. ROBINSON of Utah. I yield to the gentleman from Arkansas.

Mr. HARRIS. As I understand it, the original language of the bill has been adopted with reference to when the bill will become effective, namely, at the termination of the present emergency?

Mr. ROBINSON of Utah. We adopted that with an amendment. We have changed it somewhat, but it has the effect of our amendment.

Mr. HARRIS. It will be following the termination of the present emergency and not a specific time as was provided by the amendment offered in the House?

Mr. ROBINSON of Utah. That is correct.

Mr. KEEFE. Will the gentleman yield?

Mr. ROBINSON of Utah. I yield to the gentleman from Wisconsin.

Mr. KEEFE. I have not had time to read this report in its entirety. Will the gentleman state whether or not the provision inserted in the House bill providing against diversion of State taxes for highway purposes, gasoline taxes, and so forth, is incorporated in the present bill and what the effect of that is?

Mr. ROBINSON of Utah. We have maintained the same law. We have kept the provision in and really made it apply to all of the funds, and the same law with respect to diversion that now exists will apply to the funds carried in this bill.

Mr. JENKINS. Mr. Speaker, will the gentleman yield?

Mr. ROBINSON of Utah. I yield to the gentleman from Ohio.

Mr. JENKINS. I have in my hand a copy of the bill, and on page 14 I find

this language which I do not quite understand:

The authorization for the first post-war fiscal year shall be apportioned among the States within 30 days from the passage of this act.

That does not mean that you are going to pay out any of this money within 30 days from the passage of this act, does it?

Mr. ROBINSON of Utah. It is just apportioned.

Mr. JENKINS. What does the word "authorization" in this section mean?

Mr. ROBINSON of Utah. It means that we tell the Commissioner of Public Roads that he can tell the States just how much they will receive under this bill.

Mr. JENKINS. In other words, within 30 days after this law is passed, it will be Mr. MacDonald's duty to compute what each State is entitled to, and to publish this authorization or allocation.

Mr. ROBINSON of Utah. That is right.

Mr. JENKINS. I thank the gentleman.

Mr. ROBINSON of Utah. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

FLOOD CONTROL, PUBLIC WORKS

Mr. WHITTINGTON. Mr. Speaker, I call up the conference report on the bill (H. R. 4485) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes, and ask unanimous consent that the statement on the part of the managers of the House be read in lieu of the report.

For the information of the Members, I might state that the report is found on page 9309 of the RECORD.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 11, 1944.)

Mr. WHITTINGTON. Mr. Speaker, the House will recall that this bill passed the House on May 9 with authorizations for flood-control works for post-war construction aggregating \$810,000,000. It passed the Senate on December 1. When passed by the Senate, it included projects on which the Chief of Engineers had submitted favorable reports that had been transmitted to the Congress since the passage of the bill in the House and before the report of the Senate Committee on Commerce.

The conference agreement eliminates four projects that were in the bill as it passed the House or as it was reported to the Senate. It eliminates for further consideration the Yadkin-Pee Dee project in North Carolina, at an estimated cost of around \$11,000,000. It eliminates the reservoir at Raystown, at an estimated cost of \$21,000,000. It eliminates

the Rawlesburg Reservoir on the Cheat River, at an estimated cost of \$30,000,000, and the improvement along the Youghiogheny, at an estimated cost of \$38,000,000. This was done on the theory, after further consideration, that a majority of these projects probably have more power than flood control in them, and on the further theory that interested areas desire a review and further study of these three projects.

The House will also recall, Mr. Speaker, that in the consideration of this bill both in the House and the Senate the chief controversy centered around the projects for the improvement of the Missouri Basin.

After the passage of this bill and before the final passage in the Senate, there was a reconciliation of the views of the Chief of Engineers and the Director of the Bureau of Reclamation, and that reconciliation was transmitted to the Congress by the President on November 27, 1944, after the bill was reported in the Senate, and it is found in House Document 784, Seventy-eighth Congress, second session.

The conference agreement contains the reconciliation of the views as between these two agencies of the Government and provides for the construction of the works that are predominantly flood control by the Chief of Engineers and for the construction of the works that are predominantly reclamation by the Bureau of Reclamation. In a word, the conference agreement retained the so-called O'Mahoney amendment embodied in the bill as it passed the Senate, agreed to, as we understand, generally, by all of the conflicting interests in the Missouri River Basin. It retains the authorization of \$200,000,000 for flood control work under the Chief of Engineers as passed by the House and it provides for an authorization of \$200,000,000 for reclamation projects under the Bureau of Reclamation.

The House will also recall that when this bill passed the House there was no provision for the present disposition of power generated in any of the dams authorized to be constructed by the War Department. There was a great deal of debate in the Senate with respect to that question. The so-called Bailey power amendment was debated at length. The conference agreement provides for the disposal by the Secretary of the Interior of the surplus power generated at the projects under the control of the War Department in substantially the same language which now obtains in legislation previously passed by the Congress for the disposal of power at Bonneville, at Fort Peck, and under Executive orders for the disposal of power in the Southwest at the reservoirs at Dennison, Pensacola, and Norfolk, with amendments to the language as agreed to in the conference to the Senate amendment. Three amendments were agreed to in the conference. The first provides that the rates shall give consideration to the cost of producing and transmitting power so that there may be the recovery of reasonable amortization of the cost. Secondly, it provides that these funds that are derived from the sale of power shall

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[PUBLIC LAW 521—78TH CONGRESS]

[CHAPTER 626—2D SESSION]

[S. 2105]

AN ACT

To amend and supplement the Federal-Aid Road Act, approved July 11, 1916 as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad-grade crossings, to provide for the immediate preparation of plans, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, when used in this Act, unless the context indicates otherwise—

The term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping, costs of rights-of-way, and elimination of hazards of railway-grade crossings.

The term "urban area" means an area including and adjacent to a municipality or other urban place, of five thousand or more, the population of such included municipality or other urban place to be determined by the latest available Federal census. The boundaries of urban areas, as defined herein, will be fixed by the State highway department of each State subject to the approval of the Public Roads Administration.

The term "rural areas" means all areas of the State not included in "urban areas".

The term "secondary and feeder roads" means roads in rural areas, including farm-to-market roads, rural-mail routes, and school-bus routes, and not on the Federal-aid system.

SEC. 2. For the purpose of carrying out the provisions of the Federal Highway Act, approved November 9, 1921, as amended and supplemented, there is hereby authorized to be appropriated the sum of \$1,500,000,000 to become available at the rate of \$500,000,000 a year for each of three successive post-war fiscal years: *Provided*, That of the sums authorized to be appropriated for the first of such fiscal years \$100,000,000 may be appropriated in accordance with the provisions of this Act to become available immediately upon apportionment of the authorization for said fiscal year for the making of surveys and plans and for construction: *Provided further*, That except for the sum appropriated pursuant to the preceding proviso, no part of the funds made available pursuant to this Act shall be used to pay costs incurred under any construction contract entered into by any State before the beginning of the first post-war fiscal year. The first post-war fiscal year shall be that fiscal year which ends on June 30th following the date proclaimed by the President as the termination of the existing war emergency, or following the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination, or following the date on which the

Congress by a concurrent resolution of the two Houses finds as a fact that the war emergency hereinbefore referred to has been relieved to an extent that will justify proceeding with the highway construction program provided for by this Act, whichever date is the earliest. The authorization for the first post-war fiscal year shall be apportioned among the States within thirty days from the passage of this Act. The authorization for the second post-war fiscal year shall be apportioned among the States within twelve months after the date of such termination or finding as above specified, and the authorization for the third post-war fiscal year shall be apportioned among the States within twelve months after the apportionment of the authorization for the second post-war fiscal year. As soon as the funds for each of the post-war fiscal years have been apportioned, the Commissioner of Public Roads is authorized to enter into agreements with the State highway departments for the making of surveys and plans, the acquisition of rights-of-way, and the post-war construction of projects. His approval of any such agreement shall be a contractual obligation of the Federal Government for the payment of its pro rata share of the cost of construction: *Provided, however*, That the Commissioner of Public Roads shall not, as a condition of approval of any project for Federal aid hereunder, require any State to acquire title to, or control of, any marginal land along the proposed highway in addition to that reasonably necessary for road surfaces, median strips, gutters, ditches, and side slopes and sufficient width to provide service roads for adjacent property to permit safe access at controlled locations in order to expedite traffic, promote safety, and minimize roadside parking.

SEC. 3. The sum authorized in section 2 for each year shall be available for expenditures as follows:

(a) \$225,000,000 for projects on the Federal-aid highway system.

(b) \$150,000,000 for projects on the principal secondary and feeder roads, including farm-to-market roads, rural free delivery mail and public-school bus routes, either outside of municipalities or inside of municipalities of less than five thousand population: *Provided*, That these funds shall be expended on a system of such roads selected by the State highway departments in cooperation with the county supervisors, county commissioners, or other appropriate local road officials and the Commissioner of Public Roads: *Provided further*, That in any State having a population density of more than two hundred per square mile, as shown by the latest available Federal census, the said system may be selected by the State highway department with the approval of the Commissioner of Public Roads without regard to included municipal boundaries: *Provided further*, That any of such funds for secondary and feeder roads which are apportioned to a State in which all public roads and highways are under the control and supervision of the State highway department may, if the State highway department and the Commissioner of Public Roads jointly agree that such funds are not needed for secondary and feeder roads, be expended for projects in such State on the Federal-aid highway system.

(c) \$125,000,000 for projects on the Federal-aid highway system in urban areas.

SEC. 4. After making the deductions for administration, research, and investigations as provided in section 21 of the Federal Highway Act of 1921, the sums authorized shall be apportioned as follows:

(a) The \$225,000,000 per year available for projects on the Federal-aid highway system shall be apportioned among the States as provided in section 21 of the Federal Highway Act.

(b) The \$150,000,000 per year available for projects on the secondary and feeder roads shall be apportioned among the States in the following manner: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the rural population of each State bears to the total rural population of all the States, as shown by the Federal census of 1940; and one-third in the ratio which the mileage of rural delivery and star routes in each State bears to the total mileage of rural delivery and star routes in all the States: *Provided*, That no State shall receive less than one-half of one per centum of each year's allotment under subsection (a) and this subsection.

(c) The \$125,000,000 per year available for projects on highways in urban areas shall be apportioned among the States in the ratio which the population in municipalities and other urban places, of five thousand or more, in each State bears to the total population in municipalities and other urban places, of five thousand or more, in all the States as shown by the latest available Federal census: *Provided*, That Connecticut and Vermont towns shall be considered municipalities regardless of their incorporated status.

(d) Any sums apportioned to any State under the provisions of this section shall be available for expenditure in that State for one year after the close of the fiscal year for which such sums are authorized, and any amount so apportioned remaining unexpended at the end of such period shall lapse: *Provided*, That such funds shall be deemed to have been expended if covered by formal agreement with the Commissioner of Public Roads for the improvement of a specific project as provided by this Act.

SEC. 5. (a) The Federal share payable on account of any project provided for by the funds made available under the foregoing provisions of this Act shall not exceed 50 per centum of the construction cost thereof other than costs of rights-of-way, and as to costs of rights-of-way shall not exceed one-third of such costs: *Provided*, That in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein the Federal share shall be increased in each of the three post-war years by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area: *Provided further*, That the entire construction cost of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from Federal funds, except that not more than 50 per centum of the right-of-way and property damage costs, paid from public funds, on any such project, may be paid from Federal funds: *Provided further*, That not more than 10 per centum of the sums apportioned to any State under

the terms of this Act for each of such post-war fiscal years shall be used for such railway-highway projects, to be expended in accordance with the Federal Highway Act, as amended and supplemented, and the provisions of this section.

(b) Any railway involved in any project for the elimination of hazards of railway-highway crossings paid for in whole or in part from funds made available under this Act, shall be liable to the United States for a sum bearing the same ratio to the net benefit received by such railway from such project that the Federal funds expended on such project bear to the total cost of such project. For the purposes of this subsection, the net benefit received by a railway from any such project shall be deemed to be the amount by which the reasonable value of the total benefits received by it from such project exceeds the amount paid by it (including the reasonable value of any property rights contributed by it) toward the cost of such project; and in no case shall the total benefits to any railway or railways be deemed to have a reasonable value in excess of 10 per centum of the cost of any such project. The liability of any railway to the United States with respect to any such project may be discharged by paying to the United States, within six months after the completion of such project, such amount as the Commissioner of Public Roads determines to be the amount of such liability. Any such determination of the Commissioner shall be made on the basis of recommendations made to him by the State highway department and on the basis of such other information and investigation, if any, as the Commissioner deems necessary or proper. If any such railway has failed so to discharge its liability to the United States with respect to any project within six months after the completion thereof, the Commissioner of Public Roads shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railway is liable for in the premises. Any amounts paid to or recovered by the United States under this subsection shall be covered into the Treasury as miscellaneous receipts.

SEC. 6. If the Commissioner of Public Roads shall determine that it is necessary for the expeditious completion of projects undertaken pursuant to this Act, he may advance to any State from funds heretofore or hereafter made available the Federal share of the cost thereof to enable the State highway department to make prompt payments for work as it progresses: *Provided*, That such State, after June 30, 1945, does not divert to other than highway uses road user revenues in violation of section 12 of the Highway Act of June 18, 1934. The funds so advanced shall be deposited in a special trust account by the State treasurer, or other State official authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for work actually performed in accordance with plans, specifications, and estimates approved by the Public Roads Administration under the provisions of this Act. Any unexpended balances of funds so advanced shall be

returned to the credit of the appropriation from which the funds have been advanced: *Provided*, That any advance made to any State under the provisions of this section and not repaid shall be deducted from any apportionment allocated to such State under the provisions of this Act for the year next succeeding the year in which such advance is made, and no agreement made in accordance with the provisions of section 2 of this Act shall be valid for any pro rata share of the cost of construction in excess of such apportionment less such advance.

SEC. 7. There shall be designated within the continental United States a National System of Interstate Highways not exceeding forty thousand miles in total extent so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of the National System of Interstate Highways shall be selected by joint action of the State highway departments of each State and the adjoining States, as provided by the Federal Highway Act of November 9, 1921, for the selection of the Federal-aid system. All highways or routes included in the National System of Interstate Highways as finally approved, if not already included in the Federal-aid highway system, shall be added to said system without regard to any mileage limitation.

SEC. 8. With the approval of the Federal Works Administrator, not to exceed $1\frac{1}{2}$ per centum of the amount apportioned for any year to any State under the Federal Highway Act, as amended and supplemented, except sections 3 and 23 thereof, shall hereafter be used with or without State funds for surveys, plans, engineering, and economic investigations of projects for future construction in such State, on the Federal-aid highway system and extensions thereof within municipalities, on secondary or feeder roads, urban highways or grade-crossing eliminations, and for highway research necessary in connection therewith.

SEC. 9. For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), as amended and supplemented, there is hereby authorized to be appropriated (1) for forest highways the sum of \$25,000,000 for the first post-war fiscal year and a like amount for each of the second and third post-war fiscal years; and (2) for forest development roads and trails the sum of \$12,500,000 for the first post-war fiscal year and a like amount for each of the second and third post-war fiscal years: *Provided*, That the apportionment for forest highways in Alaska shall be for each year \$1,500,000 and that such additional amount as otherwise would have been apportioned to Alaska for each of said years shall be apportioned among those States, including Puerto Rico, whose forest highway apportionment for such year otherwise would be less than 1 per centum of the entire apportionment for forest highways for that year.

SEC. 10. (a) For the construction, reconstruction, improvement, and maintenance of roads and trails, inclusive of necessary bridges, in national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat.

1053), as amended, there is hereby authorized to be appropriated the sum of \$12,750,000, to become available at the rate of \$4,250,000 a year for each of the three successive post-war fiscal years.

(b) For the construction and maintenance of parkways, to give access to national parks and national monuments, or to become connecting sections of a national parkway plan, over lands to which title has been transferred to the United States by the States or by private individuals, there is hereby authorized to be appropriated the sum of \$30,000,000, to become available at the rate of \$10,000,000 a year for each of the three successive post-war fiscal years.

(c) For the construction, improvement, and maintenance of Indian reservation roads and bridges and roads and bridges to provide access to Indian reservations and Indian lands under the provisions of the Act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of \$6,000,000 for the first post-war fiscal year and a like amount for each of the second and third post-war fiscal years: *Provided*, That the location, type, and design of all roads and bridges constructed shall be approved by the Public Roads Administration before any expenditures are made thereon, and all such construction shall be under the general supervision of the Public Roads Administration.

SEC. 11. Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to an airport (if such airport has been constructed or extended after the date of enactment of this Act), or for the reconstruction or relocation of any highway which has been or may be closed or the usefulness of which has been or may be impaired by the location or construction of any airport (if such airport has been constructed or extended after the date of enactment of this Act), unless, prior to such extension or construction, as the case may be, the State highway department and the Public Roads Administration have concurred with the officials in charge of the airport that the location of such airport or extension thereof and the consequent reconstruction or relocation of the highway are in the public interest.

SEC. 12. On any highway or street hereafter constructed with Federal aid in any State, the location, form, and character of informational, regulatory, and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority, or other agency, shall be subject to the approval of the State highway department with the concurrence of the Public Roads Administration; and the Commissioner of Public Roads is hereby directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

SEC. 13. If any section, subsection, or other provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such section, subsection, or other provision to other persons or circumstances shall not be affected thereby.

SEC. 14. This Act may be cited as the "Federal-Aid Highway Act of 1944".

Approved December 20, 1944.

